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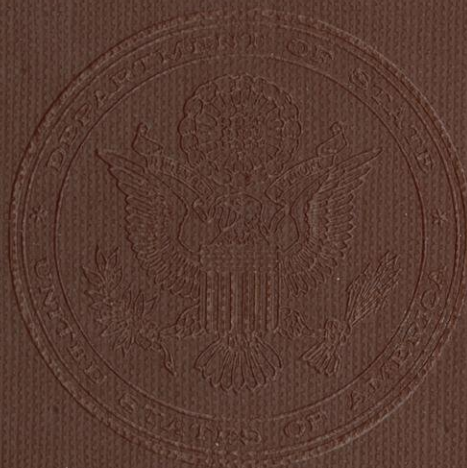


1950

Volume II
THE
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Volume II

The United Nations;
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PREFACE

This volume was prepared under the direct supervision of the late S. Everett Gleason and of Fredrick Aandahl, his successor as Editor of *Foreign Relations*, with the assistance of Ralph R. Goodwin in planning and direction.

Mr. Goodwin prepared the sections on the United Nations and international law. David W. Mabon prepared the sections on the American Republics. David H. Stauffer prepared the section on Canada. Margaret G. Martin and Ruth M. Worthing provided editorial and technical assistance.

The editors acknowledge with appreciation the assistance provided by the historians of the Department of Defense, including the Joint Chiefs of Staff. They are also grateful for the cooperation of the Department of Defense and the Central Intelligence Agency, which concurred in the declassification of various papers for release herein. Thanks are also due to those foreign governments that kindly granted permission for publication of certain of their documents in this volume.

The technical editing of this volume was the responsibility of the Publishing and Reproduction Division, Willard M. McLaughlin, Chief. The index was prepared by Francis C. Prescott.

FREDRICK AANDAHL
*Acting Director, Historical Office
Bureau of Public Affairs*

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 alternative 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.

CONTENTS

	Page
PREFACE	III
LIST OF ABBREVIATIONS AND SYMBOLS	IX
THE UNITED NATIONS:	
General United States-United Nations relations:	
I. United States foreign policy in the United Nations setting	1
II. Problems arising under the United States-United Nations headquarters agreement of 1947, and related matters	46
III. General organizational questions affecting the United Nations and of particular interest to the United States	87
United States policy regarding problems arising from the question of the representation of China in the organs of the United Nations	186
United States proposals for strengthening the United Nations system in order to meet possible future aggression; the "uniting for peace" resolution	303
Attitude of the United States toward the Lie twenty-year peace plan, Soviet peace propaganda at the United Nations, and related matters	371
Matters arising under Chapters XI, XII, and XIII of the Charter of the United Nations (Trusteeship and Non-Self-Governing Territories):	
I. The Washington conversations with the United Kingdom, France, and Belgium	434
II. The South-West Africa question	474
Human rights questions in the United Nations setting: United States position:	
I. The draft first international covenant on human rights	509
II. The draft convention on freedom of information, and related items	523
III. Matters respecting refugees and stateless persons	537
IV. The prisoners of war question	550
V. The question of the treatment of people of Indian origin in the Union of South Africa	559
CANADA:	
Efforts to negotiate closer cooperation between the United States and Canada in defense, military procurement, and industrial mobilization	583
Agreements between the United States and Canada	587

THE AMERICAN REPUBLICS:

MULTILATERAL RELATIONS:

Page

Views within the Department of State regarding United States policy toward the American Republics as a group	589
Action taken toward ratification by the United States of the Charter of the Organization of American States	639
United States support of inter-American collective action for peaceful settlement of disputes, with particular reference to the Caribbean area	641
United States policy regarding hemisphere defense, 1949-1950; provision of armaments and military assistance to the American Republics, and their participation in the Korean conflict . . .	670
Agreements providing for Air Force, Military, and Naval missions in certain American Republics: Cuba, Honduras, and Venezuela . .	671
Economic and technical assistance policy of the United States toward the American Republics as a group	672

ARGENTINA:

Political and economic relations of the United States and Argentina . .	691
---	-----

BOLIVIA:

Concern of the United States over certain economic problems and policies of Bolivia	744
---	-----

BRAZIL:

Interest of the United States in the economic development of Brazil . .	757
---	-----

CHILE:

Political and economic relations of the United States and Chile	783
---	-----

COLOMBIA:

Political and economic relations of the United States and Colombia . .	802
--	-----

COSTA RICA:

Temporary waiver of part of the reciprocal trade agreement between the United States and Costa Rica; conclusion of a lend-lease settlement arrangement	842
--	-----

CUBA:

United States policy toward Cuba	843
--	-----

DOMINICAN REPUBLIC:

Liquidation by the Dominican Republic of its remaining lend-lease obligations	854
---	-----

ECUADOR:

United States policy toward Ecuador	855
---	-----

CONTENTS

VII

EL SALVADOR:	Page
Position of the United States with respect to El Salvador's definition of its territorial sea	864
GUATEMALA:	
Relations of the United States and Guatemala, with special reference to concern of the United States over Communist activity in Guatemala.	865
HAITI:	
Recognition by the United States of the military junta government of Haiti	932
MEXICO:	
Political and economic relations of the United States and Mexico . . .	936
PANAMA:	
Political and economic relations of the United States and Panama . . .	969
PERU:	
Political and economic relations of the United States and Peru	982
URUGUAY:	
Political and economic relations of the United States and Uruguay . .	1008
VENEZUELA:	
Political and economic relations of the United States and Venezuela . .	1019
INDEX	1053

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.

- A**, Office of the Deputy Under Secretary of State for Administration
- AAUN**, American Association for the United Nations
- AFF**, American and Foreign Power Company
- AmEmb**, American Embassy
- ANE**, Office of African and Near Eastern Affairs, Department of State
- AP**, Associated Press
- AR**, Office of Regional American Affairs, Department of State; American Republics
- ARA**, Bureau of Inter-American Affairs, Department of State
- ARA/E**, Economic and Finance Adviser, Bureau of Inter-American Affairs, Department of State
- ARA/P**, Public Affairs Adviser, Bureau of Inter-American Affairs, Department of State
- ASYG**, Assistant Secretary-General of the United Nations
- BBC**, British Broadcasting Corporation
- BNA**, Office of British Commonwealth and Northern European Affairs, Department of State
- CAP**, Committee for Political Action, Guatemalan labor group
- CCA**, United Nations Commission for Conventional Armaments
- CCC**, Commodity Credit Corporation
- CDT**, Combined Development Trust, subsequently renamed Combined Development Agency
- CIA**, Central Intelligence Agency
- C.I.F.**, cost, insurance, and freight
- CL**, light cruiser
- COAS**, Council of the Organization of American States
- Cominform**, Communist Information Bureau
- CON**, Office of Consular Affairs, Department of State
- CP**, Commercial Policy Staff, Department of State
- CPR**, Chinese People's Republic
- CRO**, Commonwealth Relations Office (British)
- CSAV**, *Compañía Sudamericana de Vapores* (South American Steamship Company), Chilean shipping line
- DE**, destroyer escort
- Delga**, series indicator for telegrams from the United States Delegation at the United Nations General Assembly
- Depciragram**, Department of State circular airgram
- Depcirtel**, Department of State circular telegram
- Depteirgram**, Department of State circular airgram
- Deptel**, Department of State telegram
- E**, Office of the Assistant Secretary of State for Economic Affairs
- EC**, Office of East Coast Affairs, Department of State (on September 1, 1950, EC was merged into OSA)
- ECA**, Economic Cooperation Administration
- ECAFE**, Economic Commission for Asia and the Far East
- ECE**, Economic Commission for Europe
- ECOSOC**, Economic and Social Council of the United Nations
- EE**, Eastern Europe
- Emb**, Embassy
- Embtel**, Embassy telegram
- ERP**, European Recovery Program

- EUR**, Bureau of European Affairs, Department of State; European
Eximbank, Export-Import Bank of Washington
FAO, Food and Agriculture Organization
FCED, Friendship, Commerce, and Economic Development (treaty)
FE, Bureau of Far Eastern Affairs, Department of State; Far East; Far Eastern
FEC, Far Eastern Commission
FM, Foreign Minister
FMACC, Foreign Military Assistance Coordinating Committee
FO, Foreign Office
F.O.B., free on board
FonAffs, Committee on Foreign Affairs, House of Representatives
FonMin, Foreign Ministry (Minister)
FonOff, Foreign Office
ForMin, Foreign Ministry (Minister)
forurinfo, for your information
FYI, for your information
GA, General Assembly of the United Nations
GAA, General Armistice Agreement
GAC, General Advisory Committee of the United States Atomic Energy Commission
Gadel, series indicator for telegrams to the United States Delegation at the United Nations General Assembly
GADels, Delegations at the United Nations General Assembly
GATT, General Agreement on Tariffs and Trade
GC, General Committee of the General Assembly of the United Nations
GOI, Government of India
GOP, Government of Pakistan
GTI, Office of Greek, Turkish, and Iranian Affairs, Department of State
H-bomb, hydrogen bomb
HICOG, United States High Commissioner for Germany
HICOM, High Commission(er) for Germany
H.R., designation for legislation introduced in the House of Representatives
IADB, Inter-American Defense Board
IA ECOSOC, Inter-American Economic and Social Council
IAPI, *Instituto Argentino de Promoción del Intercambio* (Argentine Trade Promotion Institute)
IBRD, International Bank for Reconstruction and Development
IC, Interim Committee of the United Nations General Assembly
ICAO, International Civil Aviation Organization
ICJ, International Court of Justice
IAAA, Institute of Inter-American Affairs
ILC, International Law Commission of the United Nations General Assembly
ILO, International Labor Organization
IMF, International Monetary Fund
INS, Immigration and Naturalization Service
IRO, International Refugee Organization
ITU, International Telecommunication Union
JCS, Joint Chiefs of Staff
KMT, Kuomintang (Nationalist Party), Republic of China
L, Office of the Legal Adviser, Department of State
L/A, Assistant Legal Adviser for Administration and Foreign Service, Department of State
L/M, Assistant Legal Adviser for Military Affairs and Special Problems, Department of State
L/UNA, Assistant Legal Adviser for United Nations Affairs, Department of State
LA, Latin America
LAS, Latin American States
Leg, Legation
MAP, Military Assistance Program
MDAA, Mutual Defense Assistance Act
MDAP, Mutual Defense Assistance Program
ME, Middle East; Middle Eastern
MEA, Middle East area
MFA, Ministry of Foreign Affairs
MID, Office of Middle American Affairs, Department of State

- MNR**, *Movimiento Nacionalista Revolucionario* (Nationalist Revolutionary Movement), Bolivian political party
- mytel**, my telegram
- NAC**, National Advisory Council on International Monetary and Financial Problems
- NAT(O)**, North Atlantic Treaty (Organization)
- NE**, Office of Near Eastern Affairs, Department of State; Near East; Near Eastern
- NEA**, Bureau of Near Eastern, South Asian and African Affairs, Department of State
- niact**, night action, communications indicator requiring attention by the recipient at any hour of the day or night
- NK**, North Korean
- NME**, National Military Establishment
- NSC**, National Security Council
- NSRB**, National Security Resources Board
- NWC**, Office of North and West Coast Affairs, Department of State (on September 1, 1950, NWC was merged into OSA)
- NWI**, Netherlands West Indies
- OAR**, other American Republics
- OAS**, Organization of American States
- OCSA**, Office of the Chief of Staff, United States Army
- OEA**, *Organización de los Estados Americanos* (Organization of American States)
- QEEC**, Organization for European Economic Cooperation
- OFD**, Office of Financial and Development Policy, Department of State
- OSA**, Office of South American Affairs, Department of State (established September 1, 1950, as a result of a merger of EC and NWC)
- P**, Office of the Assistant Secretary of State for Public Affairs
- Panagra**, Pan American Grace Airways, Inc.
- PanAm**, Pan American World Airways System
- PAR**, *Partido Acción Revolucionaria* (Party of Revolutionary Action), Guatemalan political party
- PAU**, Pan American Union
- PL**, Public Law
- PR**, People's Republic
- PSA**, Office of Philippine and Southeast Asian Affairs, Department of State
- PSD**, *Partido Social Democrático* (Social Democratic Party), Brazilian political party
- R**, Office of the Special Assistant for Intelligence, Department of State
- reftel**, reference telegram
- reurtel**, regarding your telegram
- RFC**, Reconstruction Finance Corporation
- ROK**, Republic of Korea
- S**, Office of the Secretary of State
- S.**, designation for legislation introduced in the United States Senate
- S/MDA**, Office of the Mutual Defense Assistance Program, Department of State
- S/P**, Policy Planning Staff, Department of State
- SA**, Union of South Africa
- SC**, Security Council of the United Nations
- SCAP**, Supreme Commander for the Allied Powers in Japan
- SCC**, Interdepartmental Committee on Scientific and Cultural Cooperation
- SEA**, South-East Asia Department, British Foreign Office
- SEC**, Securities and Exchange Commission
- Sec-Gen**, Secretary-General of the United Nations
- Secto**, series indicator for telegrams from the Secretary of State when he is absent from the Department; also, series indicator for telegrams from the United States Delegation at the May and September Foreign Ministers meetings
- SETUFCO**, *Sindicato de Empresa de Trabajadores de la United Fruit Company*

- SFM**, September 1950 Foreign Ministers Meetings
SOA, Office of South Asian Affairs, Department of State
SOAFR, Union of South Africa
SONJ, Standard Oil Company of New Jersey
SovDel, Soviet Delegation
SR, Summary Record
SWA (SWAFR), South West Africa
SWNCC, State-War-Navy Coordinating Committee
SYG, Secretary-General, Indian Ministry of External Affairs
SYG, Secretary-General of the United Nations
TA, trade agreement
TAC, Interdepartmental Committee on Trade Agreements
Tass, Telegraph Agency of the Soviet Union
TC, Trusteeship Council of the United Nations
TCA, Technical Cooperation Administration, Department of State
telcon, telephone conversation
TIAS, Treaties and Other International Acts Series
TVA, Tennessee Valley Authority
UDN, *União Democrática Nacional* (National Democratic Union), Brazilian political party
UKDel, United Kingdom Delegation
UM, Under Secretary's Meeting
UN, United Nations
UNA, Bureau of United Nations Affairs, Department of State
UNAEC, United Nations Atomic Energy Commission
UNCOK, United Nations Commission on Korea
UND, Office of Dependent Area Affairs, Department of State
UNESCO, United Nations Educational, Scientific and Cultural Organization
UNGA, United Nations General Assembly
UNI, Division of International Administration, Department of State
UNICEF, United Nations International Children's Emergency Fund
UNLC, United Nations Liaison Committee, Department of State
UNO, United Nations Organization
UNP, Office of United Nations Political and Security Affairs, Department of State
UNSCOB, United Nations Special Committee on the Balkans
UNSYG, Secretary-General of the United Nations
UP, United Press
UPU, Universal Postal Union
urinfo, your information
urtel, your telegram
USDel, United States Delegation
USES, United States Employment Service
USGADel, United States Delegation at the United Nations General Assembly
USIE, United States Information and Educational Exchange Program
UST, *United States Treaties and Other International Agreements*
USUN, United States Mission at the United Nations; also Usun, series indicator for telegrams from the United States Mission
VD, Visa Division, Department of State
WE, Office of Western European Affairs, Department of State; Western Europe; Western European
WFTU, World Federation of Trade Unions
WHO, World Health Organization
YPF, *Yacimientos Petrolíferos Fiscales*, an Argentine Government petroleum agency
YPFB, *Yacimientos Petrolíferos Fiscales Bolivianos*, a Bolivian Government petroleum agency

THE UNITED NATIONS
GENERAL UNITED STATES-UNITED NATIONS
RELATIONS

I. UNITED STATES FOREIGN POLICY IN THE UNITED NATIONS
SETTING

310.311/1-1250

*The Under Secretary of State (Webb) to the Director, Bureau of
the Budget (Pace)*

WASHINGTON, January 12, 1950.

MY DEAR MR. PACE: There is enclosed for your consideration a draft of a proposed Executive Order¹ to supersede Executive Order Number 9844 of April 28, 1947, providing for the designation of the United States Mission to the United Nations and providing for its direction and administration.²

Executive Order Number 9844 designated the United States Mission to the United Nations. Section 2 of the Order designated the Representative of the United States to the United Nations as Chief of Mission in charge of the United States Mission to the United Nations. The Order further established the duties and responsibilities of the Chief of Mission.

Public Law 341, 81st Congress, amended the United Nations Participation Act of 1945 and revisions are required in Executive Order 9844 in accordance with the changes in the basic law.³

Public Law 341 provides for a Deputy Representative of the United States to the United Nations. Such Deputy Representative is added to the United States Mission to the United Nations in the proposed Executive Order.⁴

The proposed Executive Order also designates the Deputy Representative to the United Nations as Deputy Chief of Mission and au-

¹ Not printed.

² For previous documentation regarding the organization of United States representation at the United Nations, see *Foreign Relations*, volume I, for the years 1946-1948 and volume II for 1949.

³ For appropriate statutory citations, see text of Executive Order, *infra*.

⁴ The 1949 statute also made provision for a second Deputy United States Representative in the Security Council.

thorizes him to act as Chief of Mission in the absence of the United States Representative to the United Nations.

If the draft of the Executive Order meets with your approval it is requested that it be referred to the Attorney General for his consideration and, if he approves, transmitted to the Director of the Division of the Federal Register, the National Archives, for proper action.

There is also enclosed a letter to the President⁵ transmitting the draft order to him for his consideration and, if he approves, for his signature.

Sincerely yours,

JAMES E. WEBB

⁵ Not printed.

310.311/2-1050

*Text of Executive Order, Designating the United States Mission to the United Nations and Providing for Its Direction and Administration*¹

By virtue of the authority vested in me by the United Nations Participation Act of 1945 (59 Stat. 619), as amended by the act of October 10, 1949, 63 Stat. 734, and as President of the United States, it is hereby ordered as follows:

1. The Representative of the United States to the United Nations, the Deputy Representative of the United States to the United Nations, the Deputy Representative of the United States to the Security Council of the United Nations, representatives of the United States in the Economic and Social Council of the United Nations and its Commissions, representatives of the United States in the Trusteeship Council, the Atomic Energy Commission, the Commission for Conventional Armaments, and the Military Staff Committee of the United Nations, and representatives to organs and agencies of the United Nations appointed or designated and included within the United States Mission to the United Nations as herein designated, together with their deputies, staffs, and offices—shall constitute and be known as the United States Mission to the United Nations.

2. The Representative of the United States to the United Nations shall be the Chief of Mission in charge of the United States Mission to the United Nations.² The Chief of Mission shall coordinate at the seat of the United Nations the activities of the Mission in carrying out the instructions of the President transmitted either by the Secre-

¹ Signed by President Truman February 9, 1950, and subsequently designated Executive Order No. 10108. For official text, see *The Federal Register*, vol. xv, No. 29, p. 757.

² In 1950 the incumbent was former Senator Warren R. Austin.

tary of State or by other means of transmission as directed by the President. Instructions to the representatives of the United States Joint Chiefs of Staff in the Military Staff Committee of the United Nations shall be transmitted by the Joint Chiefs of Staff. On request of the Chief of Mission, such representatives shall, in addition to their responsibilities under the Charter of the United Nations, serve as advisers in the United States Mission to the United Nations.

3. The Chief of Mission shall be responsible for the administration of the Mission, including personnel, budget, obligation and expenditure of funds, and the central administrative services; provided that he shall not be responsible for the internal administration of the personnel, budget, and obligation and expenditure of funds of the representatives of the United States Joint Chiefs of Staff in the Military Staff Committee of the United Nations. The Chief of Mission shall discharge his responsibilities under this paragraph in accordance with such rules and regulations as the Secretary of State may from time to time prescribe.

4. The Deputy Representative of the United States to the United Nations shall be the Deputy Chief of Mission, who shall act as Chief of Mission in the absence of the Representative of the United States to the United Nations.³

5. This order supersedes Executive Order No. 9844 of April 28, 1947, entitled "Designating the United States Mission to the United Nations and Providing for Its Direction and Administration."

HARRY S. TRUMAN

³ Ernest A. Gross was the Deputy United States Representative at the United Nations in 1950. Ambassador Gross was also the ranking Deputy United States Representative in the Security Council. John C. Ross was the third ranking official at the United States Mission at the United Nations, as second Deputy United States Representative in the Security Council. For a complete roster of United States representation in the United Nations system, 1950, see Department of State Publication 4178, *United States Participation in the United Nations: Report by the President to the Congress for the Year 1950*.

Editorial Note

In late 1949 the Department of State became increasingly concerned with a number of resolutions that had been introduced in the Congress, which proposed various schemes looking toward world government at the most, or a union of the countries of the North Atlantic Basin (Atlantic Union), or at the least revision of the Charter of the United Nations to rid the Organization of such problems as those posed by the unanimity rule in Security Council voting (the veto). These proposals reflected a definite impatience if not disillusionment with the United Nations on the part of influential sections of the American public. Late in the 1949 session of the Con-

gress (81st Congress, 1st Session), a subcommittee of the Foreign Relations Committee of the Senate was established under the chairmanship of Senator Elbert D. Thomas, to consider the various resolutions. The hearings of this subcommittee were held February 2-20, 1950; and are printed in 81st Congress, 2d Session, *Revision of the United Nations Charter*, Hearings before a Subcommittee of the Committee on Foreign Relations, United States Senate (Washington, Government Printing Office, 1950) (hereafter cited as *Hearings*).

These resolutions included the following: Senate Concurrent Resolution 52 (the Thomas-Douglas or "Article 51" resolution), Senate Concurrent Resolution 56 (the Tobey or "World Federalist" resolution), Senate Resolution 133 (the Sparkman resolution or the "ABC proposal"), Senate Concurrent Resolution 57 (the Kefauver or "Atlantic Union" resolution), Senate Concurrent Resolution 66 (the Taylor or "World Constitution" resolution), Senate Concurrent Resolution 12 (the Fulbright-Thomas or "European Federation" resolution), and Senate Concurrent Resolution 72 (the Ferguson resolution). The texts of these resolutions are printed in *Hearings*, pages 2 and 3, 73, 171 and 172, 227 and 228, 317, 344, and 347 and 348, respectively.

Though opposed to all of the resolutions except Senate Concurrent Resolution 72, the Department of State took the position that the resolutions were the legislative expression of a great national debate, not just on United States foreign policy but also on American constitutional organization (national sovereignty) itself. The occasion was seized by the Executive to reaffirm in the strongest terms the centrality of the United Nations in the theory and practice of United States foreign policy. This State Department position was set forth to the subcommittee on February 15, 1950, by two ranking officers of the Department, Dean Rusk, Deputy Under Secretary of State for policy matters, and John D. Hickerson, Assistant Secretary of State for United Nations Affairs.

Rusk's approach was general and rather philosophical. The subcommittee was "rendering a notable public service by its careful and thorough examination of these questions." (*Hearings*, page 379) The Department of State considered it "significant" that none of the resolutions before the subcommittee proposed United States withdrawal from its new international responsibilities. "We take that to mean that the people of this country have reached a basic understanding that the fate of this Nation is interwoven with events beyond our borders and that our safety, liberty, and well-being require us to act as a part of the world about us." (*ibid.*, page 379) Repeatedly, in his long statement to the subcommittee (*ibid.*, pages 377-414, *passim*),

Rusk stressed that the United Nations was and should remain at the center of United States foreign policy :

"When we turn to the United Nations and its Charter we are conscious of the dominant role which support for the United Nations has played in our foreign policy . . . the purposes and principles written into the Charter of the United Nations are, in essence, a summary of the foreign policy of the American people. We should not underestimate the importance of the fact that these principles, so congenial to us, have been subscribed to by 58 other governments. . . . This world-wide acceptance of principles which are central to our own foreign policy is a tremendous asset which the United States must carefully nourish. . . . It should also be noted that the Charter is our basic over-all agreement with the Soviet Union. It was negotiated in detail with great care. . . . It contained provisions which, if loyally carried out, would insure the peace. . . . We do not need another over-all agreement; we need performance on the ones we already have. . . . We must strongly support the United Nations as an indispensable organization of the entire world community and attempt to build there the world solidarity which will cause each member to recognize that loyalty to the Charter is an expression of realistic self-interest. . . ." (*ibid.*, pages 384, 385, 405 and 406)

Hickerson's task was to address each resolution specifically, when that resolution was being considered by the subcommittee, in terms of the Department of State position with regard to that resolution, a position of opposition in every case except Senate Concurrent Resolution 72. In general terms, the resolutions were opposed because they entailed revision of the United Nations Charter or a fundamental change in the constitutional relationships of the Organization. Mr. Hickerson warned :

" . . . We believe that we should proceed very cautiously . . . lest action be taken which might weaken or jeopardize a going concern [the United Nations] in the illusory hope of getting something better. . . . We cannot afford to risk jeopardizing or losing what we have without some real assurance that we are getting something better in its place. Proposals for world government must be considered in that light. Their proponents have a burden to show specifically that what they propose offers a better chance of attaining our objectives and has a real chance of general acceptance. . . ." (*Hearings*, pages 414 and 415, and 429)

The Department of State supported Senate Concurrent Resolution 72 precisely because it did *not* involve any revision of the Charter or altering of the United Nations' constitutional relationships; and because it *did* involve utilizing what was already at hand, or strengthening it. In this connection, Mr. Hickerson stated :

"In this resolution the Congress reaffirms its faith in the United Nations as the cornerstone of the international policy of the United

States. It provides that the President be advised that it is the sense of the Congress that the United States should cooperate with other governments for the strengthening of the United Nations, by interpretation of the Charter, by action taken or usages developed under the Charter, by supplementary agreements among nations who desire thus to further the purposes of the Charter, or ultimately, if necessary, by amendment of the Charter.

"This is in accord with Senate Resolution 239, passed by the Senate on June 11, 1948, by a vote of 64 to 4 [the so-called Vandenberg Resolution; see *Foreign Relations*, 1948, volume III, page 135]. It is in accord with the President's inaugural address [the Truman Inaugural Address of January 20, 1949]. It is in accord with the policy the Department has been pursuing in its efforts to develop international security on the broadest possible basis.

"Some of the steps specified in the resolution could be put into effect right now. Others would require a great deal of sustained effort and negotiations with the United Nations. Most of them, in my view, are useful steps whose true importance become clear if we recall in our minds our fundamental objective of working together for a better international community, and if we keep in mind the assumption that the United Nations is in an evolutionary stage, a necessary prerequisite for a better organized community. . . ." (*Hearings*, page 463)

On September 1, 1950, the full Committee on Foreign Relations submitted to the Senate a Report on the matter, printed in 81st Congress, 2nd Session, United States Senate, Report No. 2501, *Revision of the United Nations Charter* (Washington, Government Printing Office, 1950). This document includes a helpful résumé of United Nations affairs, 1945-1950, and the impact of the East-West conflict thereon; and a summary and analysis of the several resolutions with principal arguments for and against each resolution. (A useful summary of the position of the Department of State is found on pages 47-49 of the Report.) The Committee declined to support any of the pending resolutions or to report out a resolution of its own.

310/4-1350: Circular airgram

*The Secretary of State to Certain Diplomatic Missions*¹

CONFIDENTIAL

WASHINGTON, April 13, 1950—8:15 a. m.

Re reporting and consultation on UN matters.

1. It is the Department's desire to broaden the scope and extent of regular consultations with other governments on matters coming before the UN and particularly to intensify such consultations prior to the regular and special sessions in the General Assembly. The favorable

¹ Sent to the Embassies in Italy, France, the United Kingdom, Belgium, the Netherlands, Denmark, Norway, Sweden, Iceland, New Zealand, Australia, Canada, South Africa, and Yugoslavia.

results from the more extended consultations with other delegations initiated prior to and during the Fourth General Assembly at Lake Success, Washington and the European capitals, indicate the mutual advantages of such a course, and led several delegations from the European area both to express satisfaction with these consultations and the hope that such more extensive consultations might be undertaken on a year-round basis.

The principal purposes of such discussions will be :

(1) To reach the maximum area of agreement on important issues by assuring complete mutual understanding of respective points of view and by providing opportunity for the U.S. to take the views of other countries more directly into account in the preparation of its own final position.

(2) To receive early notice of new proposals for UN action which other countries may desire to submit, thus permitting more thorough advance consideration by this government and increasing the possibility of the U.S. being able to give its active support.

(3) To stimulate the transmission of more specific instructions to delegations in New York and to provide a better background against which the missions can take up urgent problems with the governmental officials during the General Assembly or other UN meetings, whenever necessary.

2. The Department envisages that these consultations will be carried out in large part by the missions directly with the appropriate officials of the governments and the Department will therefore with greater frequency in the future, transmit separate instructions on specific subjects for discussion. At the same time, in view of the fact that most of the European area countries have permanent delegations in New York, it is intended to continue to make maximum use of the procedure of consultation between the U.S. Mission to the U.N. and these delegations and to coordinate this activity with discussions in the various capitals.

3. As part of the program of intensifying consultation on U.N. matters, it is requested that, in addition to discussions on specific subjects, the Embassy take appropriate occasion to obtain from officials of the government their general views and attitudes regarding the U.N. and basic questions before it, as well as their ideas as to its future course of development. It is suggested that special efforts be made in this connection to consult with those representatives of the government who although they may not be in the Foreign Office are included in the delegations to the General Assembly.

4. The Department is now working out plans to increase the usefulness and pertinence of information transmitted to the field on UN problems and activities and it is expected that a separate communication will shortly be transmitted on this matter.

The Department understands that in most of the missions an officer has been designated to handle and report on UN matters. In general these arrangements have been satisfactory and no criticism is intended of present activities. However, this instruction does envisage an increased scope and tempo of this work and it is suggested that wherever possible the missions designate for this purpose a political officer who has had UN experience. The possibility is under consideration of working out arrangements to provide some of these officers with more direct experience with UN matters through attendance at future UN meetings. You are requested to report to the Department the name and rank of the officer so designated in your mission.²

ACHESON

² Papers relating to replies from the concerned missions are located in the Department of State's central indexed file 310.

310.2/5-150: Circular telegram

*The Secretary of State to All Diplomatic Missions and Certain Consular Offices*¹

RESTRICTED

WASHINGTON, May 1, 1950—10 a. m.

Dept interested receiving regular reports on press and other public reaction abroad to Hoover² proposal for org of UN without the participation of Commie countries.

Dept desires initial report soonest.³

Transmitted for info only to AmEmb Moscow.

ACHESON

¹ Transmitted to all Embassies and Legations; to the High Commissioner, Germany; to the United States Political Adviser, Tokyo; and to consular officers at Algiers, Dakar, Hong Kong, Singapore, Taipei, Tripoli, and Rabat.

² Ex-President Herbert Hoover.

³ Relevant documentation is located in the 310.2 file.

310/4-2850

*Draft Statement for Possible Use by President Truman*¹

[WASHINGTON, May 3, 1950.]

HOOVER'S SUGGESTION TO REORGANIZE THE UNITED NATIONS WITHOUT THE COMMUNIST NATIONS

Ex-President Hoover has suggested that the "United Nations should be reorganized without the Communist nations in it."

¹ Drafted in the Bureau of United Nations Affairs, initially for possible use by the Secretary of State in case of questioning at a press conference. Telephoned to the White House by request, by the Assistant Secretary of State for United Nations Affairs (Hickerson).

If the President is asked about this suggestion he might respond as Department of State officials have already stated to the press:

While Mr. Hoover's views on this matter, like the views of other leading citizens, will be studied, they do not represent the official United States position.

That position emphasizes the need to support and give life to the United Nations Charter provisions and to draw the Soviet Union into cooperation with the rest of the world, keeping open the channels of contact afforded by the United Nations.

The United Nations is based on more than an assumption that the big powers would cooperate to make the United Nations succeed. It is based on an obligation to do that. It is not the fault of the Charter that the Soviet bloc has refused to cooperate with the great United Nations majority.

310/5-1250

*Memorandum by Mr. Harley Notter, Adviser to the Assistant Secretary of State for United Nations Affairs (Hickerson)*¹

[WASHINGTON,] May 12, 1950.

Subject: Future Consultations with the French

I think the great French move just made with Germany to integrate their iron, steel, and coal industries² has a bearing on the consultations which we have in mind on General Assembly and other United Nations matters.

The French move was not the subject of consultations with us or the British. Secretary Acheson was informed only a day before its consummation. In other words, the French were afraid we would inform the British. The French correctly estimated that the British would be opposed if consulted in advance, and cool but compelled not to oppose the move after it was made.

It throws light on Ordonneau's³ move during the Assembly last fall which was not only that we should consult the French as well as the British, but that we should consult with the French in the same way that we consult the British.⁴ In other words, this was not only to be tri-partite consultations but bi-lateral. The significance, seen in retrospect, was not fully appreciated at the time.

This suggests that we, taking due account of the further developments in the NAC talks,⁵ must undertake, more actively and fully than

¹ Sent to the Assistant Secretary of State for United Nations Affairs (Hickerson) and to the Deputy Assistant Secretary (Sandifer).

² Documentation on this subject is scheduled for publication in volume III.

³ Pierre Ordonneau, Counsellor, Permanent Delegation of France at the United Nations.

⁴ For information on this matter, see *Foreign Relations*, 1949, vol. II, pp. 357 ff.

⁵ Documentation relating to the North Atlantic Council meeting being held in London at this time is scheduled for publication in volume III.

we had contemplated before, consultations with the French bilaterally and with the French and British together. I think Acheson's pattern of first having bilateral talks and then tri-lateral talks may have to be used at least on some of the questions of particular consequence to the French in regard to the United Nations issues. This means that we ought to plan for a more active consultation with the French than we have so far undertaken, even in the last assembly where we did more than ever before. You will remember that French delegates spoke separately to me and to Raynor⁶ at the end of the Assembly urging that we (the United States) develop the consultations we have already begun, and do so on more matters.⁷

H[ARLEY] N[OTTER]

⁶ G. Hayden Raynor, United Nations Adviser, Bureau of European Affairs.

⁷ Marginal notation: "I agree. J[ohn] D. H[ickerson]" The idea of consultation at New York was considerably expanded both at the official and ministerial levels, in the meetings attendant upon the conferences of the Secretary of State and the British and French Foreign Ministers at New York in September; documentation on this subject is scheduled for publication in volume III.

Editorial Note

In furtherance of the policy set forth in the April 13, 1950, circular airgram (page 6), to broaden the scope and extent of regular consultations with other governments on matters coming before the United Nations and particularly before the General Assembly, the Department of State dispatched several communications (circular airgrams) to the field in August and September. The two basic circulars were those of August 4 and August 22, which are printed below. Many of the subjects are documented in substantive chapters which appear elsewhere in this volume or in the regional volumes of this series.

320/8-450: Circular airgram

*The Secretary of State to Certain Diplomatic Missions*¹

CONFIDENTIAL

WASHINGTON, August 4, 1950—12:30 p. m.

This is the first of several communications designed to initiate a preliminary exchange of views with certain Governments with respect to some of the important items which will be considered at the fifth regular session of the United Nations General Assembly. You are requested, in your discretion, to outline our views on these matters

¹ Sent to the United States Mission at the United Nations (USUN) and to the United States Embassies and Legations located in 52 of the member states of the United Nations, for action; sent also to the Embassies in the Soviet Union, Czechoslovakia, and Poland for information.

to the Government to which you are accredited, to seek its views and report any relevant information forthwith. Except as indicated, you should stress that our views are tentative, and that we are seeking reactions and suggestions which we will take into account insofar as possible in the formulation of our final positions.

Forthcoming communications will deal with other important items on the Assembly's agenda. Two copies of the provisional agenda, which was issued by the Secretary-General on July 21, are attached.²

For detailed background information with respect to previous action in the United Nations on these subjects, it is suggested that you consult the annual reports of the President to Congress on US participation in the UN.

It is requested that you watch for and report any significant diplomatic activity by other countries on GA agenda items. In addition, the Department would be interested in ascertaining as soon as possible the composition of the GA Delegation of the Government to which you are accredited, together with any biographic information which has not already been reported.

1. *Korea*

The Department is considering various proposals which the forthcoming GA might appropriately adopt as a result of the unprovoked attack against the Republic of Korea by North Korean forces. These proposals might among other things be directed toward the general problem of effective UN action in connection with aggression and specifically toward the role of the General Assembly in this connection. When the Department's ideas are further matured we will wish to consult with other UN Members either in New York or in the field. You are requested in the meantime to report any concrete suggestions on this subject which may be volunteered in your consultations with the Foreign Office.

2. *Council States*

Security Council

The US has decided to support Turkey and the Netherlands to succeed Egypt and Norway, respectively. The term of Cuba also expires. The choice of the Latin American caucus will undoubtedly have an important bearing in filling this vacancy. The US favors Brazil for this post.

Economic and Social Council

The terms of the following states expire: UK, USSR, Australia, Brazil, Denmark and Poland. The US views on the ECOSOC slate will be communicated to you in the near future.

² Not found attached.

Trusteeship Council

The terms of the Philippines and the Dominican Republic expire. The US views on the TC slate will be communicated to you in the near future.

3. Presidency of the Fifth GA

Since previous GA presidents have come from Western Europe, Latin America, British Commonwealth and Far East, the Department considers it appropriate that the President this year should come from the Middle East, and accordingly favors a candidate from this area. Nasrollah Entezam (Iran) and Sir Zafrullah Khan (Pakistan) appear to be the two leading candidates. (We are informed that Charles Malik (Lebanon) is also a candidate but he does not appear to have much support.) The Department regards both Entezam and Zafrullah as highly qualified and has not yet decided which it will support. Therefore, the Department is interested in ascertaining the strength of support for each candidate and would appreciate any information regarding commitments to support either candidate.

4. Observance of Human Rights in Bulgaria, Hungary and Rumania

In dealing with charges of violations of human rights in Bulgaria, Hungary and Rumania in its third and fourth sessions, the GA directed its efforts toward encouraging examination and settlement of these charges through procedures provided in the peace treaties with these countries. Under the peace treaties, Hungary, Bulgaria and Rumania accepted the obligation to ensure enjoyment of human rights and fundamental freedoms to all persons under their jurisdiction and also to settle any disputes arising under the treaties through certain proceedings, including arbitration before treaty commissions. The three satellite governments denied the charges that they violated human rights and claimed that the charges did not give rise to disputes under the peace treaties and were not subject to arbitration since they involved matters within their domestic jurisdiction. They claimed further that the GA had no jurisdiction to consider the charges and refused to participate in the GA proceedings as well as in the arbitration under the peace treaties.

Under these circumstances, the Assembly last fall expressed its increased concern; stated its opinion that refusal of the three governments to cooperate in its efforts to examine the charges justified this concern about the state of affairs in the three countries; and requested the International Court of Justice to render an advisory opinion on four legal questions relating to the peace treaty proceedings.

Pursuant to this request, the International Court advised that disputes existed and that the three governments were obligated to submit

to arbitration under the peace treaties and to appoint their representatives to the treaty arbitration commissions. Despite this Court opinion, however, the three governments persisted in their refusal to appoint their representatives and submit to the peace treaty proceedings. The Court then advised that this refusal made impossible further resort in this instance to settlement through peace treaty procedures.

When the matter comes before its forthcoming session, the General Assembly will have to explore avenues other than the peace treaty procedures for dealing with the charges. At least three courses of action would be possible:

(a) Adoption of a resolution which would condemn the satellite states for failing to cooperate with the Assembly, for ignoring the opinion of the International Court and for violating their obligations to utilize peace treaty proceedings for the settlement of disputes. The resolution might also indicate that this attitude of non-cooperation casts serious doubt on the denial by the states of the charges made against them. Further the resolution might call upon interested Members, particularly parties to the peace treaties, to submit to the Secretary-General and to all UN Members evidence to support the charges; this material would then become available to world public opinion.

(b) Appointment of a GA Committee (as proposed by Australia at the last GA) which would sit in New York and examine the substance of the charges on the basis of evidence to be submitted by Members and which would report to the sixth Assembly session at which time the GA could record its opinion on the basis of the Committee's report.

(c) Provision for inquiry into the substance of the charges by an expert commission composed of eminent jurists or other qualified individuals who would (as in (b) above) report to the sixth Assembly.

The Department has assembled a wealth of material supporting the charges of systematic and brutal suppression of basic human rights in the three countries and is determined to bring these facts to the attention of world public opinion in one form or another. In any case we plan to publish an exhaustive official document containing evidence to support our charges against the three governments.

The Department would be interested in the reaction of the Government to which you are accredited to the possible courses of action outlined above or suggestions for other methods of dealing with the matter.

5. Treatment of Indians in the Union of South Africa

This question has been before the GA since 1946. In the last resolution of the Assembly on this subject (May 14, 1949), the Governments of India, Pakistan and the Union of South Africa were invited to enter into discussions of the issue at a round table conference taking

into consideration the purposes and principles of the Charter and the Declaration on Human Rights. On the initiative of the Indian Government, preliminary talks were opened by the three governments in Capetown (February 1950) in which the agenda for a round table conference was agreed upon. Subsequently, the Governments of India and Pakistan requested the Government of the Union of South Africa to postpone, pending the round table conference, the adoption of certain executive and legislative measures which they alleged added to discriminations against Indians in South Africa. (Foremost among these was the Group Areas Bill providing for further segregation of racial groups in South Africa.) The Union Government did not accede to this request for postponement and as a result the Government of India, in June 1950, announced that it would not participate in the round table conference and requested the Secretary-General to place the matter on the agenda of the General Assembly, with the request that the United Nations take steps to ensure that the treatment of Indians in South Africa conform to the Purposes and principles of the Charter and to the Declaration on Human Rights.

The Department is actively considering its position for the Assembly on this matter but has no tentative views or possible courses of action to communicate at this time. In your discretion, you may indicate that we would appreciate views of other governments as to possible lines of GA action.

6. *Jerusalem*

Pursuant to the GA resolution of December 9, 1949, the Trusteeship Council, during its sixth session (January 19–April 4, 1950) completed and approved the statute for Jerusalem. (For background on GA resolution and US position see President's report for 1949, pp. 43–45.) Although the Trusteeship Council had been directed by the Assembly to proceed to the implementation of the statute, it decided, in view of the opposition of both Jordan and Israel, to submit the statute to them for their comments. At the seventh session of the Council (June 1–July 21, 1950) Israel submitted a new proposal envisioning UN jurisdiction over the Holy Places in Jerusalem, and Jordan made no reply whatsoever. The Council deemed it impracticable to attempt to proceed to implementation of the Statute for Jerusalem, prepared a report for the General Assembly describing what had been done, and included the new Israeli proposal. During the discussion in the Trusteeship Council the US Delegation made it clear that it was collaborating as a Member of the Council to enable it to perform the tasks given to it by the General Assembly of completing and adopting a Statute for Jerusalem. During the current year the Soviet Union has notified the Secretary-General that it no longer sup-

ports an international regime along the lines of last year's resolution. It is to be noted in this connection that decisions by the Assembly on the Jerusalem question require a two-thirds vote and the vote on last year's resolution was 38-14, with the Soviet bloc voting in the affirmative.

In developing the US position for the Assembly, the Department would appreciate the views of other governments regarding possible lines of GA action. The United States has always favored some reasonable form of internationalization for Jerusalem and wishes to encourage such a solution as would be acceptable to Israel and Jordan and which would meet with a considerable degree of concurrence by the world community.

7. *Draft Trusteeship Agreement for Somaliland*

The United States will support the adoption of the draft trusteeship agreement for Somaliland which was approved by the Trusteeship Council at its sixth session (January 27, 1950). In view of the thorough study and debate accorded this matter by the Council and of the unanimous approval of the agreement by the Council and the Italian Government, it is our view that the General Assembly should approve the agreement without change.

8. *Greece*

In its annual report, which has just been signed, UNSCOB has made the following observations: (a) the threat to the political independence and territorial integrity of Greece has been altered in character as a consequence of the elimination of large-scale guerrilla activity along the northern frontiers of Greece, but a potential threat still remains in view of the attitude of certain countries north of Greece, and the presence within the borders of these states, chiefly in Bulgaria, of large numbers of Greek guerrillas; (b) normal diplomatic and good neighborly relations between Greece on the one hand and Albania and Bulgaria on the other do not exist; (c) nothing has been done by various countries of Eastern Europe toward repatriation of Greek nationals, disarming and disposition of Greek guerrillas, or release from detention of soldiers of the Greek National Army captured by the guerrillas and removed by them to countries north of Greece; (d) it is a matter of the most grave concern that no Greek children have yet been repatriated to their homes, despite the unanimous passage by the General Assembly of two resolutions calling for such repatriation; and (e) the vigilance of the UN with respect to the preservation of the political independence and territorial integrity of Greece has been, and remains, a significant factor in limit-

ing the nature and extent of the aggression against Greece and has contributed to the improved situation along the northern frontiers.

Further we understand that UNSCOB has recommended that the GA consider the advisability of maintaining an appropriate UN agency in Greece in the light of the current international situation and of conditions prevailing along the northern frontiers of Greece; that it take further steps along the lines of previous resolutions with a view to forestalling a renewal of hostilities along the northern frontiers of Greece; that it call upon states concerned to facilitate the peaceful repatriation to Greece of Greek nationals; and that in particular it make a further effort to find some means of restoring the displaced Greek children to their homes.

The US Delegation in the Assembly will support the adoption of action along the lines of UNSCOB's recommendations, including the maintenance of the Commission and the adoption of measures to expedite the return of the Greek children. In this connection it may be noted that the Korean experience has demonstrated the usefulness of having UN Commissions in sensitive areas.

9. *Draft Declaration on the Rights and Duties of States*

After exhaustive discussion at its last session, the GA noted the draft declaration prepared by the ILC, deemed it a notable contribution toward the progressive development of international law and commended it to the continuing attention of Member states and jurists of all nations. In addition, the Assembly transmitted the declaration to Member States for comments and suggestions, and for views as to whether further action should be taken on the matter by the GA, and, if so, the exact nature of the document to be aimed at and the future procedure to be adopted in relation to it.

The Department's tentative view is that the GA might appropriately defer further consideration of the draft declaration until its sixth session (September, 1951). The Secretary-General will probably not be able to publish and distribute the comments of governments sufficiently in advance of the session to enable all Governments to examine adequately the various suggestions which have been submitted. In addition, it is doubtful that any Delegation will be able to give these comments sufficient consideration during the session in view of the conditions of crisis under which the Assembly will meet, the number of urgent items on the agenda, and the number of detailed matters to be considered (including such questions as the Human Rights Covenant, and the ILC report on codification of the Nürnberg principles).

320/3-2250 : Circular airgram

*The Secretary of State to Certain Diplomatic Missions*¹

SECRET

WASHINGTON, August 22, 1950—1:45 p. m.

Reference is made to the Department's circular airgram of August 4 in which you were requested, in your discretion, to outline our views and obtain reactions with respect to certain matters which will be considered at the forthcoming session of the United Nations General Assembly. There are indicated below the Department's tentative positions on some additional questions. Information which you receive which, in form airgram, would not reach the Department by September 1, should be cabled. Our views on the Human Rights Covenant and Convention on Freedom of Information and on questions which will be considered by the Trusteeship Committee are being dispatched in separate communications.

1. Chinese Representation

Because of their status as co-conspirators in the aggression in Korea, and for other reasons, the United States will strongly oppose the seating of the Chinese Communists in the General Assembly. Conversely, we will favor continued representation for the Chinese National Government in the Assembly. We would agree that the question might be reconsidered on its merits at a later date. We would not object to a comprehensive General Assembly study of all aspects of the problem of how the United Nations should deal with rival claimants for the seat of a Member State in connection with the Cuban agenda item entitled "Recognition by the United Nations of Representation of a Member State", including a study of the criteria which might be applied in such cases.

As regards procedure in the General Assembly, we favor dealing with the Chinese representation issue promptly, so that the Assembly may proceed expeditiously to the election of its officers, its general debate, and its Committee discussion without being hampered by a series of Soviet propaganda speeches and diversionary maneuvers on the subject.

The Department's previous policy to the effect that the United States would not seek to influence other Delegations on the Chinese representation issue has been superseded as indicated above.

2. Action Against Aggression

The Department is continuing its study of steps which might be taken by the General Assembly to strengthen the capabilities of the United Nations for dealing with aggression and threats to the peace.

¹ Sent to USUN and to the same diplomatic missions as indicated in footnote 1, p. 10.

(See point 1 of the Department's circular airgram of August 4.) While our position has not yet crystallized in the form of concrete proposals, our thinking is developing along the following lines:

(a) Provision for calling special emergency session of the General Assembly on 24 hours notice if the Security Council, because of the veto, fails to take action in case of a breach of the peace or an act of aggression;

(b) Establishment by the General Assembly of a fact-finding and observation commission to ensure immediate and independent observation and reporting from any area in which international tension or international conflict develops, the commission not to visit any state without its consent; Interim Committee to be authorized to despatch the commission or observers thereof;

(c) Consideration of steps whereby Member States [or groups of Member States]² might, through voluntary action, provide the United Nations with armed forces for use in dealing with aggression or threats to the peace. Since the United States has not yet completed its studies of this matter, you should make it clear in your approach to the Foreign Office that we have not yet taken any decisions with regard to it. Nevertheless, you may state that we are giving consideration to the possibility of supporting some proposal designed to achieve this objective. The Department expects to transmit a further communication on this matter.

(d) In connection with (c) above, but broader in that it includes economic and other non-military steps, appointment by the General Assembly of an *ad hoc* committee (or possibly use of the Interim Committee) to study methods of collective action consistent with the Charter (including the use of armed force) which the General Assembly might recommend to Members; cooperating Members to survey their resources to determine the nature of the assistance they might be in a position to render in accordance with any General Assembly recommendation for the restoration of international peace and security.

While the General Assembly must, in our opinion, give full attention to items along the above lines, we believe that it should not neglect constructive action in the economic and social fields to strengthen foundations of peace and advance human welfare. We feel that the General Assembly should reiterate its views on the necessity of a freer and more open world in order to minimize barriers to the flow of information, ideas and persons, as well as the obstacles to individual liberty. We also believe that the General Assembly should stress the fact that refusal of the USSR to disclose information and permit independent observation remains the great obstacle to the regulation of armaments, an objective which all free nations desire. We would be interested in any significant comments on these subjects made by the Foreign Office or any proposals they may have in mind.

² Brackets within the document appear in the source text.

3. *Lie Peace Plan*

Secretary-General Lie has placed before the General Assembly his memorandum on a twenty-year program for achieving peace through the United Nations. We think that the General Assembly should associate itself with the broad objectives of the memorandum—to employ Charter principles and United Nations resources on a long-term basis to relieve international tension and move toward lasting peace. Procedurally, the Department believes that the memorandum should be dealt with as a whole, rather than by separate action on each of its parts, and that therefore it should be referred to one of the political committees, thus avoiding duplication of effort and keeping the Assembly's workload at a minimum. (Almost all of the topics covered in the memorandum will be considered in various Assembly Committees under other agenda items.) We would hope that action on the memorandum could be limited to a single resolution commending the Secretary-General for his initiative, endorsing his general objective, and urging governments to continue their study of his proposals.

4. *Slate for the Trusteeship Council*

The United States favors the election of Thailand to succeed the Philippines and the re-election of the Dominican Republic, subject to these states receiving substantial support for their candidacies from other United Nations Members, including in the case of the Dominican Republic, the support of the Latin American caucus. The Department has informed both states of its support on this basis. (The Dominican Republic has not served a full term on the Trusteeship Council; it was elected last year to fill out the unexpired term of Costa Rica which resigned from the Council.)

5. *Slate for Special GA Committee on Information Transmitted Under Article 73(e) of the Charter*

The terms of Sweden and Venezuela expire. The United States intends to support Norway, if it is a candidate, to succeed Sweden—otherwise Sweden for re-election; and to vote for Venezuela for re-election if it desires the post. If Venezuela is not a candidate, the United States will support another Latin American state, preferably the candidate of the Latin American caucus. (For terms of reference and composition of the Special Committee consult the 1949 report of the President to Congress on US participation in the United Nations, pp. 160–165 and p. 119.)

6. *German and Japanese Prisoners of War*

The United Kingdom, Australia and the United States have jointly submitted for inclusion in the supplementary General Assembly

agenda the following item: "Failure of the USSR to repatriate or otherwise account for prisoners of war". A summary of the background and the lines of proposed action in the General Assembly follows:

At the end of hostilities in 1945 a large number of military personnel of various nationalities were in Allied hands. The Allied Powers entered into several agreements with respect to the repatriation of war prisoners, including Paragraph 9 of the Potsdam Proclamation of July 26, 1945, the Moscow Foreign Ministers' Agreement of April 23, 1947, and the USSR-SCAP Agreement of December 19, 1946. The Soviet Union has not fully complied with these agreements and has repeatedly refused to furnish information with regard to its repatriation programs. On April 22 and May 5, 1950, *Tass* announced that the USSR had completed repatriation of all Japanese and German prisoners of war, except those detained because of war crimes or illness. Other powers having control responsibility in Germany and Japan stated their disbelief of the Soviet contention and requested the USSR to agree to the designation of an international humanitarian body which would make a thorough examination of the situation. This request has been ignored by the Soviet Union.

In the General Assembly substantial evidence will be presented against the Soviet contention. With respect to Assembly action, we are thinking in terms of a resolution under which the General Assembly would (a) state that the evidence indicates that large numbers of prisoners have not been accounted for; (b) declare that the international standards of civilized nations with respect to the repatriation of war prisoners should be observed; (c) establish a commission of impartial individuals [or designate an impartial body] to make a thorough investigation and render any possible assistance to facilitate repatriation; and (d) request all governments and authorities to cooperate with the commission.

7. Relations of States Members of the United Nations with Spain

On this item, placed on the supplementary General Assembly agenda at the request of the Dominican Republic, the United States will support a resolution revoking the following provisions of the Assembly's resolution 39(I) of December 12, 1946: (a) paragraph recommending that the Franco Government be debarred from United Nations agencies and activities; and (b) paragraph recommending that all Members of the United Nations immediately recall their Ambassadors and Ministers Plenipotentiary accredited to Madrid.

The United States does not support repeal of the 1946 resolution as a whole, or any action which would signify approval of the present Spanish Regime. We believe that much wider support will be found

for action to amend the 1946 resolution as outlined above than for its outright repeal.

8. *Adjustment of the Libyan-Egyptian Frontier*

The Government of Egypt submitted this question for inclusion in the provisional agenda of the General Assembly. (For exact language see item 60 of the Provisional Agenda of the General Assembly.) The Department believes that the question of the Egyptian-Libyan boundary is a matter for negotiation between the Governments of Egypt and Libya after Libya has achieved independence. We think, therefore, that the General Assembly should take no action which might prejudice the rights or interests of either state on this question.

It will be recalled that on November 21, 1949 the General Assembly adopted a resolution recommending that Libya be constituted an independent and sovereign state; that this independence should become effective as soon as possible and in any case not later than January 1, 1952; that a constitution for Libya, including the form of the Government, should be determined by representatives of the inhabitants of the three component areas of Libya—Cyrenaica, Tripolitania and The Fezzan—meeting and consulting together in a National Assembly.

9. *Invitation to the Secretary-General of the Arab League To Attend Sessions of the General Assembly*

Syria proposed for inclusion in the provisional agenda of the General Assembly an item entitled "Permanent Invitation to the Arab League to attend sessions of the General Assembly".

On October 16, 1948 the General Assembly adopted a resolution requesting the Secretary-General "to invite the Secretary-General of the Organization of American States to be present as an observer at the sessions of the General Assembly". It is understood that under the above agenda item Syria intends to propose the adoption of a similar resolution with respect to the Secretary-General of the Arab League. The United States will support the adoption of such a resolution.

10. *Eritrea*

Pursuant to the resolution of the last General Assembly, the Interim Committee is now considering the report of the United Nations Commission on Eritrea with a view to making a recommendation to the General Assembly regarding the disposition of the territory. The United States has preferred a solution providing for the incorporation of Eastern Eritrea in Ethiopia and the Western Province in the Sudan. However, the United States is now prepared to accept and support a form of federation of Eritrea with Ethiopia if it is acceptable to Ethiopia, and if it is satisfactory to most of the members of the Interim Committee and to Italy. A resolution providing for

federation is at present being negotiated and may be introduced in the Interim Committee; if its terms are satisfactory, the United States would support this resolution in the Interim Committee and in the General Assembly. The resolution provides for: (a) federation of Eritrea with Ethiopia under the Ethiopian crown; (b) full federal government authority with respect to defense, foreign relations, finance and currency, foreign and interstate commerce, customs, and communications, and single nationality throughout the federation; (c) local Eritrean autonomy in all other matters; (d) safeguards against discrimination regarding minority groups in Eritrea and guarantees for basic human rights and fundamental freedoms for all inhabitants of the territory; (e) appointment of a United Nations Commissioner who would consult with the Ethiopian Government and advise and assist the Eritrean Assembly regarding the formation of a constitution; (f) administration of Eritrea by the present administering authority until the constitution goes into effect.

(The question of the disposition of Eritrea has been before the General Assembly since 1948. The Department considers it important both for the prestige of the Assembly and the long-term interests of the Eritrean people that a reasonable arrangement be found this year which can command the necessary two-thirds vote in the General Assembly.)

ACHESON

320/8-2550

Memorandum by the Assistant Secretary of State for United Nations Affairs (Hickerson) to the Secretary of State

[WASHINGTON,] August 25, 1950.

[Subject:] Your Participation in the Fifth Session of the United Nations General Assembly¹

Discussion

Now that we have been able to firm up our delegation list² for the forthcoming General Assembly session, you may wish to consider your own part in the work of the Delegation.³ I would suggest that you might very appropriately take care of the following matters during your stay in New York as head of the United States Delegation:

¹ The fifth regular session of the General Assembly was scheduled to convene at New York on September 19.

² See United States Delegation Working Paper of September 19 (Doc. US Del/1), *infra*.

³ By statute the Secretary of State was Head of the United States Delegation to the General Assembly, when present. Otherwise, the Senior Representative on the United States Delegation was the United States Representative at the United Nations.

1. You will of course be expected to deliver the principal United States speech in the general debate, which we hope will this year be a strong presentation of the United States position on the Korean crisis and other important aspects of our foreign policy in the United Nations.⁴

2. While you are in New York during the week *before* the Assembly begins, you will be meeting with the Foreign Ministers of the United Kingdom and France, as well as with the Foreign Ministers of the North Atlantic Treaty countries. By scheduling meetings with Foreign Ministers and chief delegates from the Latin American and Middle and Far Eastern areas during the first few days of the Assembly session, you will be able not only to talk over important aspects of our individual policy problems with the countries concerned but also to minimize their feeling that we emphasize our European interests to the detriment of our interests in other parts of the world.

3. During the first few days of the Assembly session, we will have to make what may be crucial decisions on the future of Korea, the Chinese representation problem, and Soviet relationships with the United Nations. This will be so because, however carefully we plan, we will not be able to foresee precisely the position the Soviets will take in the General Assembly. Your presence in New York during the first days of the General Assembly session will greatly assist the Delegation in making the necessary decisions.

4. During this period, I hope you will take part in as many delegation meetings as your time permits. This is the simplest way to expedite important policy decisions relating to General Assembly issues. It is also most helpful to our delegates and has a beneficial effect on American opinion generally.⁵

5. During your stay in New York certain social obligations will probably arise. For instance, it has always been our practice to have a large reception for heads of foreign delegations at the beginning of the Assembly; this has served a very useful purpose. Moreover, I should think it likely that you will be asked to attend the dinner planned by the City of New York on September 21 in honor of General Assembly officers and delegates.

I think you would need to stay in New York for a week to ten days beginning Monday, September 18, to carry out the above objectives; this would be the irreducible minimum. If your commitments permit you to remain in New York for a longer period, or if for any other

⁴The general debate speeches were the first order of business of the General Assembly after the Assembly completed its organization. Each head of national delegation made a speech which was considered to be a statement of his government's United Nations policies, and accordingly the general debate phase spanned several days. Secretary of State Acheson spoke on September 20; for the official record of his statement, see United Nations, *Official Records of the General Assembly, Fifth Session, Plenary Meetings* (hereafter cited as GA(V), *Plenary*), pp. 24 ff.

⁵The Secretary of State was in New York September 19-28 and attended and chaired certain of the meetings of the United States Delegation during this period. Minutes of the Delegation meetings are located in the master files of the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

reason you should wish to re-arrange your schedule so that you could stay on there, that would be most desirable. In any case I shall be glad to work out a more detailed schedule of plans for your stay in New York as the date of the Assembly draws closer.

Recommendation

That you arrange your schedule with a view to remaining in New York from Monday, September 18, to Friday, September 29; and that, if possible, you plan to extend your stay.

320/9-1950

*United States Delegation List for the Fifth Regular Session of the General Assembly of the United Nations, New York, September 19, 1950*¹

USDel/1

Representatives

The Honorable Dean Acheson, Secretary of State, Department of State

The Honorable Warren R. Austin, United States Representative to the United Nations and United States Representative in the Security Council, Ambassador

The Honorable Mrs. F. D. Roosevelt

The Honorable John J. Sparkman, United States Senate

The Honorable Henry Cabot Lodge, Jr., United States Senate

The Honorable John Foster Dulles. (Serves as Representative in the absence of the Secretary of State.)

Alternate Representatives

The Honorable Benjamin V. Cohen

The Honorable John S. Cooper

The Honorable Ernest A. Gross, Deputy United States Representative to the United Nations and Deputy United States Representative in the Security Council, Ambassador

The Honorable Mrs. Edith S. Sampson

The Honorable John C. Ross, Deputy United States Representative in the Security Council

¹ Work was initiated on the composition of the United States Delegation to the fifth regular session of the General Assembly in the first instance in a memorandum by the Secretary of State to President Truman, July 20, and approved by the President on the same date. Secretary Acheson had particularly recommended the restoration of Congressional membership on the United States Delegation, there having been no members of either House of Congress in the United States representation since 1946. (320/7-2050)

Advisers (Departmental)

- Ward P. Allen, Office of European Regional Affairs, Department of State
- John M. Allison, Director, Office of Northeast Asian Affairs, Department of State
- Ruth E. Bacon, Bureau of Far Eastern Affairs, Department of State
- Harding F. Bancroft, Director, Office of United Nations Political and Security Affairs, Department of State
- Bernhard G. Bechhoefer, Office of United Nations Political and Security Affairs, Department of State
- William Tapley Bennett, Jr., Office of Middle American Affairs, Department of State
- William I. Cargo, Office of Dependent Area Affairs, Department of State
- Harlan B. Clark, Office of African and Near Eastern Affairs, Department of State
- John C. Dreier, Director, Office of Regional American Affairs, Department of State
- Benjamin Gerig, Deputy United States Representative in the Trusteeship Council; Director, Office of Dependent Area Affairs, Department of State
- James F. Green, Deputy Director, Office of United Nations Economic and Social Affairs, Department of State
- Joseph N. Greene, Jr., Office of Western European Affairs, Department of State
- William O. Hall, Director, Office of International Administration and Conferences, Department of State
- Harry N. Howard, Bureau of Near Eastern, South Asian and African Affairs, Department of State
- George M. Ingram, Chief, Division of International Administration, Department of State
- J. Jefferson Jones, III, Office of Dependent Area Affairs, Department of State
- Edmund H. Kellogg, Office of United Nations Economic and Social Affairs, Department of State
- Walter Kotschnig, Deputy United States Representative in the Economic and Social Council; Director, Office of United Nations Economic and Social Affairs, Department of State
- Carol C. Laise, Division of International Administration, Department of State
- Phyllis L. LeRoy, Office of Dependent Area Affairs, Department of State

Roswell D. McClelland, Office of Western European Affairs,
Department of State

John Maktos, Assistant Legal Adviser, Department of State

Leonard C. Meeker, Office of the Legal Adviser, Department of
State

A. Ogden Pierrot, Foreign Service Officer, Department of State

David H. Popper, Office of United Nations Political and Security
Affairs, Department of State

G. Hayden Raynor, Bureau of European Affairs, Department of
State

Stuart W. Rockwell, Office of African and Near Eastern Affairs,
Department of State

Charles Runyon, Office of the Legal Adviser, Department of State

James Simsarian, Office of United Nations Economic and Social
Affairs, Department of State

Wells Stabler, Office of African and Near Eastern Affairs, Depart-
ment of State

Eric Stein, Office of United Nations Political and Security Affairs,
Department of State

Jack B. Tate, Legal Adviser to the Delegation, Deputy Legal
Adviser, Department of State

Paul B. Taylor, Office of United Nations Political and Security
Affairs, Department of State

Ray L. Thurston, Foreign Service Officer, Department of State

Harry R. Turkel, Foreign Service Officer, Department of State

Henry S. Villard, Foreign Service Officer, Department of State

David W. Wainhouse, Deputy Director, Office of United Nations
Political and Security Affairs, Department of State

Alfred E. Wellons, Office of African and Near Eastern Affairs,
Department of State

Marjorie Whiteman, Office of the Legal Adviser, Department of
State

Advisers (Congressional Committees)

Boyd Crawford, Administrative Officer and Committee Clerk,
House Committee on Foreign Affairs

Francis O. Wilcox, Chief of Staff, Senate Committee on Foreign
Relations

Advisers (United States Mission to the United Nations)

Vice Admiral B. H. Bieri, United States Navy, United States
Representative on the Military Staff Committee, United
States Mission to the United Nations

Charles Bolte, Adviser, United States Mission to the United
Nations

Frank P. Corrigan, Adviser, United States Mission to the United Nations
Thomas J. Cory, Adviser, United States Mission to the United Nations
Lt. General W. D. Crittenger, United States Army, United States Representative on the Military Staff Committee, United States Mission to the United Nations
Lt. General H. R. Harmon, United States Air Force, United States Representative on the Military Staff Committee, United States Mission to the United Nations
James N. Hyde, Adviser, United States Mission to the United Nations
Harrison Lewis, Adviser, United States Mission to the United Nations
Isador Lubin, Economic Adviser to the Delegation, United States Representative in the Economic and Social Council, United States Mission to the United Nations
Edward P. Maffitt, Adviser, United States Mission to the United Nations
Frank C. Nash, Deputy United States Representative in the Commission for Conventional Armaments, United States Mission to the United Nations
Charles P. Noyes, Deputy United States Representative in the Interim Committee of the General Assembly, United States Mission to the United Nations

Principal Executive Officer

David H. Popper, Office of United Nations Political and Security Affairs, Department of State

Assistants

Elizabeth A. Brown, Office of United Nations Political and Security Affairs, Department of State
Betty C. Gough, Office of United Nations Political and Security Affairs, Department of State

Assistants to Representatives

Lucius D. Battle, Special Assistant to the Secretary, Department of State
Doris Doyle, Assistant to Mr. Dulles, Department of State
Barbara Evans, Administrative Assistant to the Secretary, Department of State
John E. Horne, Administrative Assistant to Senator Sparkman
William H. A. Mills, Special Assistant to Ambassador Austin, United States Mission to the United Nations

Cammann Newberry, Administrative Assistant to Senator Lodge
Josephine Thompson, Assistant to Ambassador Austin, United
States Mission to the United Nations
Malvina Thompson, Special Assistant to Mrs. Roosevelt

Secretary-General

Richard S. Winslow, Secretary-General, United States Mission
to the United Nations

Deputy Secretary-General

Benjamin H. Brown, Deputy Secretary-General, United States
Mission to the United Nations

Special Assistants

Albert F. Bender, Jr., Special Assistant to the Secretary-
General, United States Mission to the United Nations
Lee B. Blanchard, Special Assistant to the Secretary-General,
United States Mission to the United Nations
Forest D. Murden, Jr., Special Assistant to the Secretary-
General, United States Mission to the United Nations

Reports Officer

Franklin Porter, Chief, Reporting and Documentation Division,
United States Mission to the United Nations

Information Officer

Porter McKeever, Public Information Adviser, United States
Mission to the United Nations

Assistants

Lowell M. Clucas, Division of International Broadcasting, De-
partment of State
Arthur Kaufman, Division of International Broadcasting,
Department of State
John MacVane, Office of Public Information, United States
Mission to the United Nations
Frederick Rope, Office of Public Information, United States
Mission to the United Nations
Jeanne Singer, Office of Public Information, United States
Mission to the United Nations
Gilbert Stewart, Office of Public Information, United States
Mission to the United Nations
Chester Williams, Office of Public Information, United States
Mission to the United Nations

Executive Secretariat Files, Lot 57 D 649

*Department of State Policy Statement Regarding the United Nations*¹

CONFIDENTIAL

[WASHINGTON, September 18, 1950.]

A. OBJECTIVES

1. FUNDAMENTAL OBJECTIVES

It is a primary objective of the foreign policy of the US to ensure the security, freedom, and well-being of the American people. These in turn depend in part upon the security, freedom, and well-being of other peoples, and upon orderly relations among nations.

The principal organizational structure of the community of nations—and the only one designed to be world-wide—is the United Nations,* which it is in our interest to maintain as an institutional structure through which sovereign nations may collaborate in collective endeavors toward achievement of their common interests, particularly in world peace and security, and the general welfare. As expressed in Article 1 of the Charter:

“The Purposes of the United Nations are:

“1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

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

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

¹ An “Introductory Note” read:

“This paper on the United Nations is intended to complement the regular series of annual country policy reviews. It therefore follows the general outline of those statements although it necessarily differs from them in content to suit the multilateral character of the UN. In order to keep within readable brevity, it is restricted primarily to fundamentals of US policy peculiar to the UN, such as efforts towards general security and the maintenance of peace to avoid duplicating material available in other forms. Much material on specific UN efforts towards peaceful settlement and other political activity is contained in separate country policy statements on Greece, Trieste, Iran, Israel, the Arab countries, Indonesia, India, Pakistan, Korea, Spain, China, Italy, and Germany (the Berlin crisis), and is not repeated here.”

*This paper deals primarily with the UN rather than the UN system as a whole, but many of its observations are applicable to the specialized agencies as well as to the UN proper. [Footnote in the source text.]

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

These purposes, together with the Principles accompanying them in Article 2, embody essential concepts of American ideals of government, of relationships among governments, and of relationships between the human individual on the one hand, and government or society on the other.

The UN is a means to an end rather than an end in itself. It is in our interest to preserve this means. The real end is progressive development toward a stable world order where law and orderly processes, rather than violence and anarchy, can govern the conduct of nations in their relations with each other.

It is, of course, constituted as an association of independent states, based on the principle of the sovereign equality of all its Members, rather than as a single world state. Thus it is not designed to terminate national sovereignty but rather to facilitate the joint exercise of it by separate nations acting in friendly cooperation. The UN system provides an institutional structure through which this end may be pursued to the extent permitted by the changing realities of world politics and its economic and social circumstances.

It is also a unique medium of universal character for the general expression of US policy, especially in its global or multilateral aspects, whatever the direction it may take.

For these reasons President Truman stated as Point One of his Inaugural Address of January 20, 1949, that:

"In the coming years, our program for peace and freedom will emphasize four major courses of action:

"First, we will continue to give unfaltering support to the United Nations and related agencies, and we will continue to search for ways to strengthen their authority and increase their effectiveness. . . ."

2. RELATIONSHIP TO OTHER US POLICIES

Conceived as an association of sovereign states collaborating in matters of common interest while otherwise retaining the right of virtually complete independence of national action, the UN system constitutes machinery through which much or little may be accomplished, depending upon the underlying realities of world political forces, and the extent to which common interests may or may not emerge from them.

The UN serves US interests in two distinct ways. First, it offers in this machinery a unique additional medium for the expression of US policy, especially useful in matters of global or multilateral significance, which we can use wherever we consider the "universal" approach most effective, while remaining free, whenever we prefer, to

use other media such as bilateral, regional, or other multilateral arrangements. Second, the organization and its Purposes and Principles, as expressed in the Charter, stand as a living embodiment in the international sphere of many of the essential ideals of the American way of life that are of universal appeal. They constitute for us an asset in rallying others to sympathy with American ideals and objectives, while serving at the same time the consensus of the American people themselves on the need for building an orderly world community.

In a world in which the USSR heads an aggressive power bloc and the US heads a counter power bloc which would curb and diminish the role of aggression, the UN facilitates the coalition of a preponderance of power against aggression.

The UN affords a standard of universality which, while permitting regional arrangements, helps to keep them from disrupting the growing world-wide community of nations.

To the extent that US action is in harmony with UN principles it is easier to transform the US-USSR struggle into a UN-USSR struggle in a manner permitting suitable recognition of the interests of the world community as a whole.

The organization provides a vehicle through which the US and the newly independent peoples of Asia may cooperate more effectively.

UN membership makes it not only legitimate but indeed a duty for the US, as a leading UN member, to concern itself with world problems wherever they may occur. This provides a solid basis for bringing US influence to bear in such distant places as Iran, Indonesia, Palestine, Korea, Greece, the Italian colonies, and the underdeveloped areas of the world.

B. POLICIES

1. POLITICAL AND SECURITY

The Security Council and the General Assembly's role in Security. The Security Council is the organ of the UN which has primary responsibility for the maintenance of international peace and security. It has made important contributions in the peaceful settlement of international disputes. In some disputes it assisted in bringing about the cessation of hostilities (e.g., Indonesia, Kashmir, Palestine), and in others it prevented the outbreak of hostilities (e.g., Iran), thus paving the way for eventual peaceful settlement.

In the SC, decisions on substantive matters (as distinguished from procedural) require the agreement of all the five permanent Members. It has been the policy of the US to seek agreement in the Council within the framework of the principles and purposes of the Charter,

to improve the functioning of the Council and to advocate its full use where appropriate, within a liberal interpretation of the existing Charter. However, in a number of important instances, the Soviet Union has prevented any decision in the SC by its arbitrary use of the veto. We have proposed in this connection the elimination of the veto from decisions on membership applications and from decisions made under Chapter VI of the Charter dealing with peaceful settlement, but not from decisions concerning enforcement measures. We are seeking a limitation of the veto through the implementation of a resolution by the GA which goes far to solve the controversial problem of what matters are now properly subject to the veto, and in addition call for the non-exercise of the veto through voluntary restraint in certain fields including that of membership and peaceful settlement of disputes. We are determined to use all our influence in the SC to block Soviet attempts to extend the veto into areas where it is not applicable under the Charter.

Some progress has been made in the SC in the direction of voluntary restraint in the exercise of the veto. The first step was establishment of the practice, based on Charter interpretation, of permitting a permanent member unwilling to vote affirmatively for a decision to abstain from voting rather than to be compelled to vote in the negative with the possible effect of vetoing the decision.

Another step in this direction was achieved in 1949 in spite of the general reluctance of the Soviet Union to relinquish or relax the right of veto: The permanent members, including the Soviet Union, reached an agreement on the principle and practice of consultation before important decisions of the SC are to be made, and to give effect to this, agreed that such consultations will occur upon the call of the permanent members in alphabetical order, and rotating on a monthly basis, and that they may also be held on the request of any permanent member.

The General Assembly (unlike the SC) has no authority to issue binding and enforcement orders under the Charter. It may, however (under Arts. 10 and 11), discuss any matter within the scope of the Charter and (except as provided in Art. 12) may make recommendations for the adjustment of any situations impairing friendly relations among nations. Moreover, it may discuss any question affecting international peace and security at any time, and may make recommendations thereon when the Security Council is not dealing with the dispute or situation in question.

The General Assembly is the most representative body of the UN. In the past it has made recommendations on a number of questions for adjustment of frictions among states, has provided for drafting

of conventions under its auspices, and has made recommendations designed to determine the fate of important territories, such as the Italian colonies, Palestine, and Korea. In the question of the Italian colonies, the four powers, before referring the matter to the GA, pledged themselves to abide by any recommendation which the GA may make on this matter. It is the policy of the US to promote this practice whereby Members undertake in advance to comply with recommendations of the GA.

The arbitrary use of the veto in the SC has seriously affected its ability to maintain peace. In June 1950 the SC demonstrated its ability, in the absence of the Soviet member, to take prompt and effective action against aggression. The successful Korean action then initiated has since been carried forward on the basis of those decisions. Further decisions on this subject in the SC have been hindered by the return of the Soviet member.

We believe that inability of the SC to exercise its primary function in maintaining world peace does not relieve Members of the UN of their basic obligations under the Charter, particularly the obligations expressed in Article 2; nor does such inability relieve the GA of its duties under the Charter to exercise its jurisdiction in the field of world peace. We believe that the GA must organize itself in such a way as to be able to perform a major role in this field. For this reason we proposed the establishment of the Interim Committee, which sits during the period between the sessions of the Assembly. Furthermore, we believe that in case of a breach of the peace when the SC is unable to act the GA must be ready to convene at shortest notice and make recommendations to the members for the restoration of peace. Such recommendations might include recommendations for collective armed action by Members against the aggressor. We also favor the designation of UN units in the armed forces of Member nations, to increase the likelihood that forces will be available for such action.

One of the most important aspects of our policy of advancing the rule of law in international relations is our basic attitude, maintained in connection with each particular problem, that the actual authority and functions of the UN will develop most soundly through actual practice—through the “creative use of precedent”—; that restrictive interpretations of the UN powers must therefore be avoided; and that wherever possible procedures should be improved and developed through informal agreement.

Beyond our proposals on the veto, mentioned above, which could be carried out without a formal amendment of the Charter, we have not yet formulated any policy for charter revision by the 1955 review date set by Art. 108.

It is clear that no changes in the forms or procedures of international intercourse can bring about a major improvement in the immediate world situation. Rather, it is to changes of substance that we must look. It is to those changes of substance that our policy has been primarily directed. When the substance of the world situation improves, the UN will be able to function with greatly increased effectiveness. However, since the development of accepted procedures for international cooperation is in the modern world essential to stable peace, we are giving a considerable amount of attention to joint efforts in the UN to improve the working of the UN under the existing terms of the Charter.

It is occasionally suggested that a revised UN, or some form of world government, should be achieved, if necessary without those nations unwilling to cooperate. We doubt whether this would be acceptable to public opinion here or elsewhere, and, in any event, believe this would probably destroy the present UN organization without replacing it with anything better or even so good. The result would probably be a dispersal of the community of nations into isolated groups more susceptible than at present to the domination of aggressive Soviet expansion.

Atomic Energy and Conventional Armaments. In the security field, the primary objective of the United States is set forth in the Essentials of Peace Resolution adopted by the General Assembly on December 1, 1949:

"12. *To cooperate* to attain the effective national regulation of conventional armaments; and

"13. *To agree* to the exercise of national sovereignty jointly with other nations to the extent necessary to attain international control of atomic energy which would make effective the prohibition of atomic weapons and assure the use of atomic energy for peaceful purposes only."

The United States stresses the word "effective" both in relation to international regulation of armaments and international control of atomic energy. Unless the measures taken by the United Nations are genuinely effective, any apparent progress would be a delusion which might distract the United States and other free democracies from the dangers of Soviet imperialism.

The United States supports the plan of control of atomic energy developed by the United Nations Atomic Energy Commission after three years of work and approved by the General Assembly on November 4, 1949. We said on November 23, 1949, in the General Assembly, "The United States supports this plan and will continue to support it unless and until proposals are made which clearly would

provide equal or more effective and workable means of control and prohibition." In the field of regulation and reduction of conventional armaments the United States is seeking to develop an effective plan. The current emphasis is on the item of the Plan of Work of the Committee on Conventional Armaments (CCA) entitled "Consideration of practical and effective safeguards by means of an international system of control operating in the specific organs (and by other means) to protect complying states against the hazards of violations and evasions."

The United States recognizes that without agreement of the Soviet Union no substantial progress is possible either in the direction of control of atomic energy or of regulation and reduction of conventional armaments; and that in the existing state of international relations no satisfactory agreement with the Soviet Union is likely to materialize. The Soviet Union has embarked on a propaganda campaign to place upon the United States the full responsibility for the failure of the United Nations to secure control of atomic energy and the regulation of conventional armaments. Even though recognizing the virtual impossibility of agreement with the Soviet Union the United States must continue to advocate regulation and control of all arms and armed forces, including atomic weapons. This will serve as a demonstration of United States desire for peace and to carry out the Charter requirements (Article 26), and will also aid in establishing the falsity of the Soviet propaganda line.

The provision of armed forces under Article 43. The United States continues to support a policy of seeking agreements to provide the United Nations with armed forces as contemplated in the Charter, though recognizing the impossibility under existing world conditions of securing any measure of agreement on this subject.

The provision of armed forces for the Security Council under agreements to "be negotiated as soon as possible on the initiative of the Security Council" between the Council and members or groups of members is stipulated in Article 43 of the Charter, under which member states "undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security," in order that the Council may, under Article 42, "take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security." No such agreements have yet been made, and hence no forces are now available to the Security Council.

In accordance with Security Council instructions in 1946, the Military Staff Committee studied the problem and submitted a report to the Security Council in April 1947. Of its 41 articles of recommendation 25 were agreed unanimously by all members of the Military Staff Committee, but agreement was not reached on the remaining 16, due mainly to the following principal differences between the Soviet Union and the other four members of the committee (the US, UK, China, and France).

The Soviet Union proposed that forces of each type should be made available in equal quantities by each of the five permanent members of the Security Council. We and the other members rejected this principle of "equality" and proposed on the contrary that the forces available to the Security Council should constitute a "balanced force" to which each of the permanent members would make available a "comparable" over-all contribution but that these contributions might differ widely as to the strength of the separate components, land, sea, and air. This would make it possible for the air and naval forces to be predominantly British and American, and the land forces predominantly Russian and Chinese. The disagreement concerned this relative make-up of the contributions rather than their over-all size. On the latter point, there appeared to be no insuperable difficulty, although it was not explored conclusively. However, the Soviet Union also proposed—and we and the other members opposed—the principles that (a) the forces made available should be garrisoned within the frontiers of the contributing nations' own territories or territorial waters except those engaged in the occupation of ex-enemy countries or other activities authorized by Article 107 of the Charter; (b) armed forces employed by the Council should be automatically withdrawn to their own territories or territorial waters within a time limit of 30 to 90 days after they carried out the task assigned to them; and (c) "assistance and facilities" made available under Article 43 should not embrace bases.

No action relating to the provision of armed forces, assistance, and facilities under Article 43 took place in any organ of the UN in 1949, and the matter now remains at rest on the divergent views outlined above. However, in the Mutual Defense Act of 1949 the Congress reaffirmed "the policy of the US to seek agreements to provide the UN with armed forces as contemplated in the Charter", and the US has continued its study of various suggestions for dealing with this problem.†

†As a result of the Korean crisis UN armed forces have been formed on an *ad hoc* basis. [Footnote in the source text.]

Article 51. The US upholds for all nations "the inherent right of individual or collective self-defense" against armed attack without awaiting UN action, as set forth in Article 51, and itself stands ready to participate in such collective action where appropriate, as declared in the Vandenberg Resolution of 1948. With reference to the various proposals that have been suggested for open-ended general defense pacts under Article 51 to include all except the Soviet-controlled countries, this Government is willing open-mindedly to study such proposals, but for the present is not prepared to accept any that have yet been proposed in specific terms.

Membership. The US has, in general, favored the achievement of a practically universal membership by the UN. In 1946, we encouraged a number of states to apply and proposed, in the SC, the admission of all the applicants including Albania and the Mongolian Peoples' Republic. Soviet rejection of this plan led to a stalemate which has continued ever since. In 1946, only Afghanistan, Iceland and Sweden were admitted;‡ in 1947, Pakistan and Yemen; in 1948, Burma; in 1949, Israel. In 1946, after Soviet rejection of our proposal, and in every subsequent year, all other non-Soviet applicants have been vetoed by the Soviet Union and all Soviet applicants have failed to secure the necessary 7 votes in the SC. In the SC, the US has generally abstained from the vote on the Soviet candidates chiefly in consequence of our position concerning the veto. Since 1949 the US has regularly stated that it does not intend to permit its privileged vote to prevent the admission to membership of any state which has secured as many as 7 affirmative votes in the SC. We have, however, opposed the Soviet candidates as not qualifying under Article 4 of the Charter. We have stated that the assistance given by Albania and Bulgaria to the Greek guerrillas shows clearly their unwillingness to carry out Charter obligations; a similar position has been taken with regard to the violations of the human rights provisions of the peace treaties by Hungary, Rumania, and Bulgaria. We have stated that the existence of the Mongolian Peoples' Republic as an independent state in the international sense is open to serious question. We have consistently supported Jordan, Ireland, Portugal, Italy, Austria, Finland, Ceylon, the Republic of Korea, and Nepal. In 1949 the Soviet Union proposed the admission of "all" applicants, omitting, however, the Republic of Korea. This proposal has been decisively rejected in the SC and GA. In 1949 the North Korean regime submitted an application. The SC refused even to refer the application to its membership committee. The US stated that this was not even an application within

‡Spain is debarred from membership by a resolution of 1946. [Footnote in the source text.]

the meaning of the Rules of Procedure and that the Security Council should not even entertain it.

Chinese Representation. One of the principal problems in UN organs during 1950 has been the question of Chinese representation. This question has been particularly important in the Security Council of which China is a permanent member. Because its efforts to unseat representatives of the Chinese National Government and seat representatives of the Communist regime have been unsuccessful, the USSR and its satellites refused to participate in all UN bodies and agencies which met from January 13 to August 1, 1950, except the Executive and Liaison Committee of the UPU where a Chinese Communist was seated for the duration of the session.

The basic position of the United States on the representation issue is that since we recognize the National Government as the Government of China, we oppose any proposal to unseat its representatives or seat representatives of the Communist regime, but will accept the decision of any organ of the UN made by the necessary majority. With respect to the application of the veto in the SC on this matter, we maintain that a question of representation relates to the organization of the Council; it is therefore a procedural matter and not subject to veto. The Secretary has stated that we believe that "each nation must decide for itself how it is going to vote on this question and we are not going to try to influence them." Since the development of the Korean situation this element of our basic position has been altered to the extent that we have informed other Delegations that we do not think that the Chinese representation issue should arise in the SC or any other UN organ during the Korean crisis and that during this time we are even more disinclined to see a change in Chinese representation.

2. ECONOMIC AND SOCIAL

Article 55 of the United Nations Charter is in effect a broad statement of US policy objectives and long-range interests in the economic and social field. It provides that the United Nations should promote: "Higher standards of living, full employment, and conditions of economic and social progress and development; solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." It has been US policy to encourage the development and use of institutions in the UN specialized agency framework in the furtherance of these objectives. Since the utilization of this organizational framework is not dependent on Soviet participation or subject to the Soviet veto, it provides

a solid and continuing base for cooperation among the free nations of the world that is not susceptible to Soviet obstruction.

A few of the major policy problems in this field are, briefly:

(1) *Technical Assistance*—The United States has initiated and strongly supported an expanded program of technical assistance in the United Nations and specialized agencies. It is important from the standpoint of the broad interests of the United States to carry out a major part of the technical assistance program on a multilateral rather than a bilateral basis. The US has pledged \$12,007,500 to the program for the next 18 months, provided this does not exceed 60% of the total UN fund.

(2) *Methods of Financing Economic Development*—In the discussions in the Economic and Social Council on this subject a number of governments have expressed their disappointment in the amount of capital lent by the International Bank and their fear that private foreign capital might be inadequate to their needs, or might be used for developments over which recipient countries would not have control and lead to exploitation. Some under-developed countries have maintained that the resources of the International Bank are inadequate to the need for international capital or that the terms of its loans are too strict, and have urged the establishment of new international financing agencies which would be able to make loans on more generous terms and conditions. The United States has maintained that private investment and public capital should be complementary, not competing, means of financing development and has argued against the establishment of new lending institutions while the International Bank still has a very significant unused lending potential.

(3) *Large-scale Emergency Programs*—The United States has initiated or supported large-scale emergency programs of a welfare or humanitarian nature—United Nations International Children's Emergency Fund (UNICEF), International Refugee Organization (IRO), and United Nations Relief to Palestine Refugees and its successor, the United Nations Relief and Works Agency for Palestine Refugees (UNPRA). In the case of UNICEF and IRO, the United States has taken the position that these bodies should be terminated when the bulk of their work has been completed and arrangements made within the UN specialized agency framework to handle residual or continuing problems at reduced cost. This point of view has been resisted by a number of countries which feel that there is continuing need for larger financial resources to deal with these problems in which the share of financial support has fallen most heavily upon the US. The US has carried its position with regard to the European refugee problem. On the matter of activities on behalf of children, sufficient agreement was reached in the Economic and Social Council to warrant the belief that the General Assembly at its 1950 meeting will pass a resolution on this subject which will be acceptable to the US.

The inauguration of a works program by UNPRA in lieu of relief is based not only on humanitarian considerations but also on political interests of the US, UK, and France, and many other UN Members, in the maintenance of peace and stability in this area. It remains to

be determined whether or not UN machinery can or should be utilized for any longer range development programs by way of assistance to refugees or as a method of contributing to the peaceful settlement of disputes of which the UN is seized.

(4) *Ratification of the ITO Charter*—The Department has recommended strongly to Congress that the Charter be ratified. Failure of the United States to ratify the International Trade Organization (ITO) Charter, in the preparations and negotiations for which the US played the leading role, would have serious repercussions. Without US ratification, it would be more difficult for the US to pursue the liberal trade policy which it has developed and our failure to ratify might be considered as a reversal of that policy. The ITO, moreover, is an important part of the interrelated organization framework which can hardly function satisfactorily until the ITO is in operation.

(5) *The Scope and Extent of the Covenant on Human Rights*—The US is seeking to embody in the Covenant on Human Rights the basic political and civil rights set forth in the Declaration on Human Rights which has been adopted by the General Assembly. It has also sought to include certain additional principles not incorporated in that Declaration, such as a general article on Freedom of the Press in lieu of a separate convention on that subject. The adoption of this Covenant and subsequent ratification by the US and other free countries would promote the struggle against totalitarianism. The US is opposed to the inclusion of economic and social rights in the Covenant, as it feels that these rights can be dealt with more satisfactorily through the medium of other organizations, particularly the International Labor Organization.

3. NON-SELF-GOVERNING TERRITORIES

The acceleration of nationalism among dependent peoples, the Soviet propaganda drive for their allegiance, and the anticolonial views of the majority of United Nations Members have produced a number of serious problems for the US in all the UN bodies dealing with "the colonial problem."

By their superior voting strength the non-colonial powers are in a position to carry their views in the General Assembly by an overwhelming majority. The US, by virtue of its responsibility for one trust territory and six non-self-governing territories, has certain concerns in common with the other administering Members but also by tradition and present conviction shares some of the viewpoints of the non-administering Members. It requires for its security the strengthening of its western European allies, among whom are the principal colonial powers, the continued friendship of the non-administering states, and the alignment of dependent peoples with the democratic world. The US cannot afford to allow peoples who have recently emerged from colonial status or those who are yet to emerge to feel that their best hopes lie with the Soviet Union. The US seeks to

encourage political, economic, social, and educational advancement of dependent peoples in such a manner as to convince administering powers, non-administering powers, and dependent peoples that our objectives in relation to dependent areas provide for the greatest possible mutual benefit of all three groups.

The political objectives of the US have been to favor the progressive development of all dependent peoples toward the goal of self-government insofar as they may desire it and are capable of it, and the development of dependent territories where conditions are suitable toward independence; and to encourage the metropolitan governments to take progressive steps toward the achievement of these goals by fostering the growth of responsible democratic movements and institutions among indigenous peoples. The US hopes that in the interests of avoiding fragmentation of the world, many colonial peoples will wish to attain self-government within some associative relationship with the metropolitan country. In pursuing these goals the US seeks understanding and cooperation with the other colonial powers and, to the greatest degree possible, the acceptance by the latter of basic US objectives; and, in like manner, it seeks understanding on the part of the non-colonial powers of the objectives of the US as well as the problems, responsibilities, and achievements of the other colonial powers.

To promote these political objectives the US seeks to assist the metropolitan powers in strengthening the economic, educational, and social development of dependent territories, encouraging mutually advantageous economic relations between colonial areas and metropolitan countries, as well as with the US and the rest of the free world. This objective is being sought through efforts to utilize UN organs and agencies for the constructive exchange of ideas and experience, particularly focusing attention on specialized problems in the fields of public health, agriculture, commerce, and the development of basic resources.

4. ORGANIZATIONAL AND ADMINISTRATIVE

The US, viewing the UN as a flexible and expansible executive instrument of the will of its membership, has advocated the use of the UN as an organizational device in a positive and creative manner. It has strongly supported the concept of the executive responsibility of the Secretary-General. The US has argued consistently that the Governments, in the General Assembly and its Committee V, etc., should concern themselves with questions of general organizational, administrative and financial policy and should not meddle in the area of decision which should properly be reserved to the Secretary-General.

The US has taken seriously its commitment to observe the international character of the UN secretariat and has not attempted in any way to give direction to US nationals on the secretariat. This policy has proved itself in the prestige of US nationals on the secretariat and the general acceptance of the fact that they are not there as representatives of the US Government. This is a definite asset to the US. The merit of the US position of non-interference in secretariat affairs is well demonstrated by the consequences of a contrary policy as maintained by the USSR. The nationals of the USSR on the Secretariat, never large in number, have been progressively reduced to the point where they now number no more than 25.

It is the further policy of the US, as the host Government, to give every assistance to the United Nations as an international organization having operating demands of a considerably different character from those of other organizations or member governments alone. The US has endeavored to show its hospitality to the UN in every way possible. In addition to the provision of financial aid in the construction of its headquarters, the US has in the past offered the UN the opportunity to draw upon it for personnel, services and facilities, and the Department is now preparing to send to the Congress draft legislation which would enable the US to do far more in this regard. The US lives up to, and beyond, its obligation to the UN under the Headquarters Agreement. However, the US has not been able fully to discharge its obligations to the UN in one basic respect inasmuch as the Congress has failed to date to accede to the Convention on Privileges and Immunities.

In the distribution of the burden of costs of the UN among members, the US has maintained that, for the good of the organization, the principle of capacity to pay must be qualified by the imposition of a reasonable maximum on the percentage share any one member will be assigned. The General Assembly has endorsed the principle of a limitation on the maximum contribution and has indicated that in normal times the maximum should be thirty-three and one-third percent. At the last session of the General Assembly the US secured a small reduction in its percentage contribution as a first step toward the implementation of the principle.

With respect to the budget and organization of the Secretariat, the US has pressed for every economy consistent with a steady advancement toward UN goals, and has worked strongly for integration of the various divisions and sections of the Secretariat into an effective operating team. With respect to the relations of the UN to the Specialized Agencies, the US has advocated as complete a coordination as is possible within the terms of reference of their constitutions and

without sacrificing the basic advantages of decentralization which have been felt from the outset to be inherent in the UN system as now constituted. As a consequence, the US is strongly supporting devices such as the Administrative Coordinating Committee, the review of Specialized Agency budgets by the UN, etc. Similarly, the US has pressed for the adoption of common administrative practices where, as in the case of pensions, basic issues of equal treatment for international civil servants, regardless of agency, are involved; and where, as in the case of audit procedures, basic questions of financial custodianship are involved.

5. INTERNATIONAL LAW AND THE INTERNATIONAL COURT OF JUSTICE

It is the policy of the US to recognize the binding force of international law, both customary and treaty. It is further the policy of the US to advance the rule of law in international relations as an important means of achieving a stable international society. For the furtherance of this end the US favors, in principle, the utilization of the International Court of Justice in legal matters for the determination of disputes and for the building up of a body of jurisprudence as a guide to the conduct of international relations. We favor the efforts of the International Law Commission further to develop and codify international law.

The US encourages the general acceptance of compulsory jurisdiction of the Court under Article 36(2) of its Statute and, to this end, the Department may recommend to Congress that this Government perfect its own Declaration accepting this jurisdiction upon its expiration in 1951.

C. RELATIONS OF OTHER MEMBERS WITH UN

1. THE OTHER GREAT POWERS

The UK and France have not contributed as much leadership as has the US toward development of the UN. Both have tended toward narrow interpretations of the authority of the UN. Although both have generally gone along with the US proposal for abolition of the veto on membership, neither has been willing to accept the US proposal for abolition of the veto in Chapter VI. As colonial powers, both have been critical of some UN activities with respect to dependent peoples.

The Soviet Union has never participated wholeheartedly in the UN but always in a mood that has been obstructionist, inflexible, isolationist, suspicious, rigidly legalistic, and generally uncooperative. Its position on most questions has from the beginning been fixed and rigid. It joined only four Specialized Agencies from one of which it

has since resigned. It has used the UN extensively as a propaganda medium.

2. FORMATION AND BEHAVIOR OF BLOCS

The Soviet Union and its satellites have consistently voted as a small but solid minority bloc, following the Soviet line with monotonous regularity.

Since Yugoslavia ceased to be a satellite member of the Cominform it has been making an effort to display independence of any group.

Most other members generally tend to support the US on the basic issues of war and peace, although on various other particular issues given members may differ with us. The majority in support of US leadership has steadily increased, culminating in the affirmative vote of the entire non-Soviet world on the Essentials of Peace Resolution in the last session of the GA. A fair appraisal would have to add, however, that the majority support of US positions has occasionally been a reluctant one. It turned against us on our proposal to suspend the UNAEC in 1948. This majority is thus one which is not automatic but depends on the nature of our own policy. Obvious cold war moves by the Western powers meet resistance, even among our friends. A policy which clearly benefits the world community of nations, however, can always be expected to gain strong support.

There have also developed definite voting blocs of smaller groups within the majority. The Arab states and the Latin American states are two groups that tend to vote as blocs on issues touching their particular group interests. The NAT countries tend increasingly to vote similarly on some questions, although this is by no means a general rule. At the last GA in the case of Jerusalem there was an unusual combination of the Soviet Union and certain Latin American and Arab states, which succeeded in winning a majority contrary to the wishes of both the US and the UK, but this was a case in which the US did not take the lead.

D. POLICY EVALUATION

To evaluate the success of the UN as an institution in moving towards the objectives expressed in its Charter, it is necessary to consider separately its functions in the different fields of (a) security, (b) peaceful settlement, (c) economic and social progress, (d) trusteeship, and (e) multilateral diplomacy.

At its inception in 1945 hopes were high that this new attempt to further the fragile concept of collective security would be more successful than previous attempts. It was hoped, if not expected, that this one would be aided by at least some continued collaboration of

the big powers allied during the war—hopes which have since been severely disappointed.

Nevertheless, as has been recognized from the beginning, the successful functioning of the UN depends upon the existence of relative war-making capabilities of the great powers such that no one great power can dare commit aggression if the others stand ready to enforce the Principles of the Charter. Mr. Stettinius declared to the Congress in 1945 that "if one of the permanent members ever embarked upon a course of aggression, a major war would result, no matter what the membership and voting provisions of the Security Council might be."

The UN contributes to world security in part through its mere existence, which, like a catalytic agent, marshalls morally if not materially, and makes immediately manifest, those latent natural forces which might ultimately react against an aggressor if there were no UN. There is no likelihood within the foreseeable future of any regulation of armaments or control of atomic energy, both of which would be indispensable to an effective security system. Similarly, there is little prospect that armed forces as envisaged under Article 43 will become available to the UN. Apparent progress in the security field had thus been limited until the North Korean aggression in June 1950. The prompt, vigorous, and successful UN action to repel that aggression has now aroused renewed hope for further progress in the security field, including development for this purpose of the functions of the GA, where there is no veto. As an instrument through which to focus the searchlight of world public opinion on potential aggressors, it has been an important factor for peace, even against big-power aggression, as was demonstrated in the case of Iran. In addition, if led by the US, it furnishes the only basis for securing cooperation of the whole community outside the aggressor itself.

As machinery for the peaceful settlement of disputes, it has been far more successful. It has repeatedly settled disputes, prevented disputes from turning into conflicts, and has halted small conflicts before they could become conflicts of major proportions. Palestine was an example of an especially explosive case of this kind. Indonesia was an example of a conflict even involving an important European power being turned by wise UN mediation and statesmanship into the creation of a new nation in peaceful union with that European state. Through its trusteeship machinery, and provisions of the charter dealing with non-self-governing peoples, the UN has contributed substantially toward the development of workable arrangements for underdeveloped and dependent areas which otherwise might become trouble spots and sources of national rivalry for strategic position, threatening world peace and security.

In the economic and social field, machinery of the UN and its specialized agencies can be, and is being, used steadily and increasingly, even if less spectacularly, to coordinate and develop programs for economic and social betterment which will help to remove the causes of war and which will lay the groundwork for more effective institutionalization of the interests of the international community. In this field, unlike that of security, progress is possible without regard to Soviet non-participation.

As an instrument of multilateral diplomacy—as a meeting-place of the nations—the UN has served as a unique and irreplaceable forum for the conduct of international relations of multilateral interest and for the expression of those policies of the US and other members that are of world-wide interest. It has enabled the Soviet and non-Soviet worlds to continue to discuss and negotiate with each other concerning mutual problems when other vehicles of communication between them have broken down, as, for example, in the Berlin crisis. The Charter is, in fact, our one basic agreement with the Soviet Union, and Lake Success our best diplomatic channel to the Soviet Government.

Despite its weaknesses as a genuine international security system, the UN is probably a more complete and effective embodiment of the concept of world organization than it would be possible to develop anew now in view of the deterioration of international relations since 1945. It is therefore the practical basis upon which to build toward more complete and effective international organization on a world-wide basis.

II. PROBLEMS ARISING UNDER THE UNITED STATES-UNITED NATIONS HEADQUARTERS AGREEMENT OF 1947, AND RELATED MATTERS

Legal Adviser's Files : Opinions by the Legal Adviser, *et al.*

*Memorandum by the Legal Adviser (Fisher)*¹

[WASHINGTON,] February 24, 1950.

[Subject:] Visas for Chinese Communist Representatives to the United Nations

FE, UNA and CON have raised the question whether, under the laws of the United States, limited visas may be issued to the Chinese Communist regime who may be seated by United Nations organs, while the United States Government does not recognize that regime.

¹ Addressed to the Deputy Assistant Secretary of State for Far Eastern Affairs (Merchant) and to the Assistant Secretary of State for United Nations Affairs (Hickerson).

Section 11 of the Headquarters Agreement between the United Nations and the United States, approved by Joint Resolution of August 4, 1947,² provides in part as follows:

"The federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of (1) representatives of Members or officials of the United Nations, . . . or the families of such representatives or officials,"

and Section 12 of the Agreement provides that:

"The provisions of Section 11 shall be applicable irrespective of the relations existing between the governments of the persons referred to in that section and the Government of the United States."

These are the only provisions of the agreement pertinent to the above subject. It is thus clear that the obligation of the United States to the United Nations is limited to permitting representatives of Members freely to go to and from the headquarters district, that this obligation is to unrecognized (by the United States) as well as to recognized governments, and conversely that the United States has no obligation to allow such representatives to travel in the United States generally.

It is urged, however, that although the United States admittedly has no obligation under the Headquarters Agreement to allow representatives of Members of the United Nations access to all parts of the United States, that, nevertheless, the United States has unilaterally bound itself to permit such representatives free access to all parts of the United States if, in fact, such access is permitted to officers and employees of foreign governments and members of their families. This contention is based on the provisions of Section 7(a) of the International Organizations Immunities Act³ which read as follows:

"Persons designated by foreign governments to serve as their representatives in or to international organizations . . . , and members

² Senate Joint Resolution 144 was approved by President Truman on August 4, 1947, as Public Law 357. For text of the joint resolution and text of the Headquarters Agreement, see 61 Stat. 756 or Department of State Treaties and Other International Acts Series (TIAS) No. 1676. Relevant Congressional documentation, 80th Congress, 1st Session, includes Senate Report No. 522, Senate Report No. 559, House (of Representatives) Document No. 376, and House Report No. 1093. For texts of notes exchanged between the United States Representative at the United Nations (Austin) and the Secretary-General of the United Nations (Lie), November 21, 1947, bringing the Headquarters Agreement into effect, see 61 Stat. (pt. 4) 3437 or United Nations Treaty Series, vol. xi, pp. 38 ff. For documentation relating to the negotiation of the above-named instruments, see *Foreign Relations*, 1947, vol. i, pp. 22 ff.

³ Public Law 291, 79th Congress, 1st Session, was approved on December 29, 1945, and was entitled "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"); for text, see 59 Stat. 669. For documentation regarding the enactment of this legislation, see *Foreign Relations*, 1945, vol. i, pp. 1557 ff.

of the immediate families of such representatives, . . . other than nationals of the United States, shall, in so far as concerns laws regulating entry into and departure from the United States, alien registration and fingerprinting, and the registration of foreign agents, be entitled to the same privileges, exemptions, and immunities as are accorded under similar circumstances to officers and employees, respectively, of foreign governments, and members of their families."

The International Organizations Immunity Act was approved December 29, 1945.

It has been suggested that the "foreign governments" referred to in Section 7 (a) of the Immunities Act must be governments recognized by the United States. In view of the position taken below with respect to other provisions of Section 7 (a), it is unnecessary, at least for the present, to decide this point.⁴

The provisions of Section 7 (a) are applicable only "insofar as concerns laws regulating entry into and departure from the United States, . . .". It may be doubted that conditions imposed upon the duration or place of residence of persons admitted to the United States are "regulating entry". It is apparent from the provisions of Section 13 of the Headquarters Agreement that Congress regards "laws and regulations in force in the United States regarding the *entry* of aliens" (Sec. 13 (a)) as distinct from "laws and regulations in force in the United States regarding the *residence* of aliens" (Sec. 13 (b)). In any event it is clear from the provisions of Section 7 (d) of the Immunities Act that persons given Section 3 (7) visas (representatives of foreign governments to international organizations)⁵ are along with other non-immigrants to be admitted to the U.S. "for such time and under such conditions as may be by regulations prescribed . . .". Thus representatives of foreign governments to international organizations receive the same treatment as accorded *by law* under similar circumstances to officers of foreign governments since the time and conditions under which both may reside here are subject to limitation. No basis is seen for the assumption that the words "as are accorded" in Section 7 (a) mean as are accorded *in fact*. The usual meaning would seem to be as are accorded in law. The duration of stay and the conditions of residence might conceivably be different for officers of different governments. So far as the law is concerned for instance there is nothing to prevent the government from limiting officers of the Soviet government to the Capital area and permitting officers of other governments free access to all parts of the United States. Thus practice would afford no certain standard.

⁴ In the source text, this paragraph is "scratched" with pencil markings, so as to suggest the intent of eliminating it.

⁵ Regarding Section 3 (7) visas, see Yingling memorandum, April 19, *infra*.

To summarize, under the Headquarters Agreement the United States has no obligation to permit representatives of Members of the United Nations free access to the United States and under Section 7 (a) of the International Organizations Immunities Act such representatives have no greater rights than are accorded by law to officers and employees of foreign governments, i.e. their admission to the United States shall be for such time and under such conditions as may be by regulations prescribed.

It is concluded that representatives of the Chinese Communist regime who may be seated by the United Nations need not be issued unlimited visas.

Legal Adviser's Files : Opinions by the Legal Adviser, *et al.*

Memorandum by Mr. Raymond T. Yingling of the Legal Adviser's Staff to the Chief of the Visa Division (L'Heureux)

[WASHINGTON,] April 19, 1950.

Subject: May [Section] 3 (7) Visas Be Issued to Members of the Indonesian Delegation Attending United Nations Meetings on Invitation of UNO? ¹

In reply to your request for the views of this office concerning the above subject, you are advised as follows:

Section 3 of the Immigration Act of 1924 ² was amended by the International Organizations Immunities Act to provide for the issuance of non-immigrant visas to a new category (7) of persons described in the following language:

"a representative of a foreign government in or to an international organization entitled to enjoy privileges, exemptions and immunities as an international organization under the International Organizations Immunities Act, or an alien officer or employee of such an

¹ Indonesia was not admitted to membership in the United Nations until September 28, 1950, although it had an observer delegation at Lake Success before that date.

² For the Immigration Act of 1924, see 43 Stat. 153. Section 3, carrying the caption "Definition of 'Immigrant,'" read as follows:

"When used in this Act the term 'immigrant' means any alien departing from any place outside the United States destined for the United States, except (1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation."

international organization and the family, attendants, servants, and employees of such a representative, officer, or employee".³

Since the United Nations is such an "international organization", representatives of the Indonesian Government may be issued 3 (7) visas if they are representatives "of a foreign government in or to" that organization. The plain, simple meaning of these words would seem to be any representative of a government other than the U.S., e.g. Indonesia, coming to an international organization, e.g. the United Nations, on official business; the use of the word "to" as well as "in" evidencing an intention to cover all possible cases. Has Congress elsewhere indicated a clear intention otherwise? No such indication has been found. The comments in the Senate Committee report (report No. 861, 79th Congress, 1st Session) on Section 7 of the International Organizations Immunities Act are not impressive on this score. Although the Committee used the expression "representatives of foreign governments *therein*" in referring to the persons covered by Section 7, it must be pointed out that these comments are very summary, that the usual case would be that of a representative of a foreign government a member of the organization concerned, and that the committee did not discuss the specific case of representatives of foreign governments not members of the international organization but coming to that organization on official business. Moreover, it appears from the report that the committee considered the Act "available to meet the needs of the United Nations Organization, the headquarters of which will in all probability be established in the United States" and that although the establishment of the headquarters of the Organization in this country might require a special agreement governing matters beyond the scope of the Act, that, nevertheless, "all of the privileges and immunities provided for in this bill will have to be extended in any event to the United Nations Organization".

Representatives of a foreign government coming to the United Nations Organization pursuant to the provisions of Articles 32 or 35 of the Charter⁴ are on official business as much as any representative of a foreign government which may be a member of the organization and it is not evident in law or reason why an invidious distinction should be made between such persons. It may well be that in some instances the foreign government's not being a member of the UNO is contrary to its wishes and those of this government also.

It was precisely because Congress considered that the existing types of visas provided for by Section 3 of the Immigration Act of 1924

³ 59 Stat. 672.

⁴ The Charter of the United Nations was signed at San Francisco, June 26, 1945. For text, see 59 Stat. (pt. 2) 1031 or Department of State Treaty Series No. 993.

were not suitable for representatives of foreign governments to international organizations functioning in the United States that it set up a new category, 3 (7), and it is believed that such representatives should not be classified otherwise unless it is evident that Congress so intended or that the interests of the United States would be protected thereby.

It having been concluded that the representatives of Indonesia are entitled to Section 3 (7) visas, it is unnecessary to consider whether under certain circumstances they might be entitled to Section 3 (1) visas.

L/UNA Files: Folder "UN—Privileges & Immunities—*Laissez-Passer*"

Memorandum by the Deputy Legal Adviser (Tate) to the Deputy Assistant Secretary of State for Administration (Humelsine)

[WASHINGTON,] May 8, 1950.

Subject: Use of *Laissez-passer* by United Nations Officials who are American Citizens

When you took over from Charlie Hulten,¹ there was still pending a letter to the Department of Justice on the use of United Nations *laissez-passer* by American citizens who are officials of the United Nations.² This letter incorporated a simple and straightforward proposal made by Hulten to clear up a difficulty that had been with us for some time. Hulten's proposal was acceptable to UNA and L, and the letter I mention was drafted on the basis of it after agreement among Hulten, Sandifer, and myself.

The formula suggested by Hulten was that the United States recognize the United Nations *laissez-passer* in certain cases and upon certain conditions, pending Congressional approval of and this Government's adherence to the General Convention on the Privileges and Immunities of the United Nations.³ It is pursuant to this convention, now approved by the great majority of UN members other than the Iron-Curtain countries, that the United Nations issues *laissez-passer* to its officials as travel documentation for use while travelling on

¹ Charles M. Hulten, Deputy Assistant Secretary of State for Administration, February 1947–January 1949.

² For documentation on this matter, see *Foreign Relations*, 1949, vol. II, pp. 38 ff.

³ For text of the resolution of the General Assembly of the United Nations of February 13, 1946 (Resolution 22 (I)) and text of the 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 the First Part of the First Session*, pp. 25 ff. For documentation concerning United States policy relating to the adherence of this Government to this convention, see volume I of *Foreign Relations* for the years 1946, 1947, 1948, and volume II for 1949.

official business. So far as concerns UN officials who are aliens, it had been agreed in the Department a year ago that we would recognize *laissez-passer* of aliens, for purposes of affixing visas.

There remained the problem of UN officials who are American citizens. We had concluded that there was no legal bar to recognizing *laissez-passer* issued to these officials, and that recognition could be effected through a small modification of the passport regulations. Under existing statutes, because of the continuing existence of a state of war or national emergency, the Department of State is empowered to control the foreign travel of American citizens by requiring that they first obtain passports. The Departmental regulations provide for exceptions to this rule—such as the provision that no passports are required for travel anywhere in the western hemisphere. Recognition of UN *laissez-passer* would be provided for by an additional exception of well-defined and narrow limits.

Hulten proposed that we make this change so as to exclude from the passport requirement those American citizens who are UN officials and are travelling, with *laissez-passer*, on official business of the United Nations. We would first secure from the Secretary-General an undertaking to inform the Department in each case where a *laissez-passer* is issued to a UN official who claims American nationality. We would also secure an undertaking that when any such official is to leave the United States on United Nations business the United Nations would inform the Department as far in advance as possible, giving information as to the official's identity, place and time of departure, destination, and probable length of absence from the United States. The Department would communicate such information, immediately upon receipt, to the Department of Justice; any such official concerning whom the United Nations had furnished the required notifications would then be able to leave the United States on UN business and subsequently return. However, in any situation where the Department considered that departure of such an official clearly and presently threatened the national safety, the right to prevent departure would be reserved. Of course, a United Nations official who is an American citizen could still apply, as before, for a United States passport; one would be issued to him if he qualified.

I am wondering what happened to the proposed letter to Justice. As I remember, it was drafted last summer, and was to be sent over to Justice as soon as the session of Congress adjourned. It was cleared by UNA and L, and then was sent to A for initialing. So far as I have been able to ascertain, the letter still has not gone out after a number of months. Could you look into this and find out what has happened? The Hulten proposal seemed to me not merely unobjec-

tionable but a thoroughly sensible solution which would both satisfy the UN's needs and at the same safeguard US security interests.

JACK B. TATE

Legal Adviser's Files : Opinions by the Legal Adviser, *et al.*

Memorandum by the Deputy Legal Adviser (Tate) to the Deputy Assistant Secretary for United Nations Affairs (Sandifer)

[WASHINGTON,] May 11, 1950.

Subject: Proposed Visa Regulations Concerning Visas for Persons Destined to International Organizations.

Your draft memorandum to Mr. Boykin¹ raises certain objections to the above described regulations. This office's informal comments follow. The numbered paragraphs correspond to the paragraphs in your memorandum under reference.

(1) While Section 3 (3) or transit visas may not be ideally suited to the situation of persons described in Section 11 (2) (3) (4) and (5) of the Headquarters Agreement, the same might be said of Section 3 (2) visas which are issued to "an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure . . .". The "business" referred to is commercial business. (See *Karnuth v. U.S.*, 279 U.S. 231.) In the circumstances, this office is not prepared to say that as a matter of law the issuance of Section 3 (3) visas to persons of the categories mentioned is improper.

(2) Although it is not wholly a legal matter, we are inclined to agree with UNA that visas issued to individuals in the categories under consideration should be unlimited unless serious reasons, such as security, are involved.

This office has already expressed the view that no charge should be made for unlimited visas issued to persons going to U.N. on business (see L/A's memorandum of May 11, 1950 to Mr. Ingram).²

(3) This office has previously indicated that Section 3 (7) visas should be issued to representatives of foreign governments coming to United Nations meetings on official business whether such governments are recognized by the United States or not and whether or not they are members of the United Nations (see memorandum of April 19, 1950 from L/M—Mr. Yingling to VD—Mr. L'Heureux).

(4) Since this government has not yet become a party to the Convention on Privileges and Immunities or otherwise decided to recog-

¹ Memorandum not found in Department of State files. Samuel D. Boykin was Director of the Office of Consular Affairs.

² Memorandum not found in Department of State files. George M. Ingram was Chief of the Division of International Administration.

nize the United Nations *Laissez-Passer* as a valid travel document and as it may not do so, no reason is seen for the writing of the regulations to anticipate such a decision. However, if the decision is not made before these regulations are issued, they should at least cover the cases of issuance of *laissez-passer* to aliens.

(5) No inconsistency is seen between the law and those provisions of the proposed regulations directing consular officers who know or have reason to believe that persons classifiable under Section 11 (1) or (2) of the Headquarters Agreement seek to enter the United States "for the purpose of engaging in activities which would endanger the public safety or which would in any way diminish, abridge, or weaken the security of the United States" to refer such cases to the Department. As a matter of drafting, the words "in any way" seem unnecessary and to give a rather extreme tenor to the regulation even though reason is seen for not deleting the words "diminish, abridge, or weaken the security of the United States". It is not evident why, if application is made in time, there need be any unreasonable delay by referring cases of this kind to the Department, but the answer to the question of delay v. security is apparent. It is believed that incidents and embarrassment to this government are more likely to be avoided if proper examination is made before the alien is permitted to come to the United States. Entire freedom from "incidents" in this type of case is not to be expected. In connection with the words "diminish, abridge, or weaken the security of the United States", however, it is to be borne in mind that these words are taken out of their context in Section 6, Annex 2 of the Headquarters Agreement and if retained should be construed in the spirit of that section and not in a spirit of narrow literalism.

(6) The suggestion of UNA concerning the use of the term "consultants" is, of course, valid and should be adopted.

315.4/6-950

*Memorandum by the Assistant Secretary of State for United Nations Affairs (Hickerson)*¹

CONFIDENTIAL

[WASHINGTON, June 9, 1950.]

Subject: Should Representatives to the United Nations from Iron-Curtain Countries Be Permitted To Travel Freely Throughout the United States.

I am profoundly disturbed by the suggestion contained in Mr. Rusk's memorandum of April 24² that representatives to the United

¹ Addressed to the Assistant Secretary of State for European Affairs (Perkins) and the Assistant Secretary of State for Far Eastern Affairs (Rusk).

² Not found in Department of State files.

Nations of Iron-Curtain countries should be confined to the United Nations headquarters district and its immediate vicinity.

The argument of Mr. Sandifer's memorandum of March 6 to Mr. Rusk,³ opposing the imposition of such restrictions upon any Chinese Communist representatives to the United Nations would of course apply with even greater force to Mr. Rusk's present suggestion; there is no need to repeat the substance of that memorandum. This new proposal, however, goes much deeper and cuts at the very basis of the status of the United Nations in this country.

When the President of the United States, and the Congress by unanimous resolution, invited the United Nations to establish its headquarters in this country, it was not offering the United Nations the opportunity to be isolated on a landlocked island in a small corner of this country. The United States offered, and the members of the United Nations believed that they accepted, the hospitality of the country with full freedom to use the facilities of this country. The right reserved to the United States to confine people to the United Nations headquarters district and its immediate vicinity was reluctantly agreed to by the United Nations, and it was assumed that this power would be used only in rare cases, where essential to United States security, and never against delegation and secretariat personnel.

The proposal to confine Iron-Curtain representatives on any but obvious security grounds implies the right, and latent threat, to confine personnel of *any* delegation if we see fit. This view of their status in the United States would be patently unacceptable to delegations generally, and would be vigorously resisted and denounced not merely by the Soviet Union and its satellites but by the Latin American countries, and very likely by the delegations of our Western friends. Almost certainly, some delegation will introduce in the Assembly a resolution to move the United Nations headquarters to a country able and willing to offer greater hospitality, and more dependable to live up to the spirit of its obligations as host.

I urge strongly that the entire matter be dropped.

³ Not found in Department of State files.

315.41/6-1650: Telegram

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

SECRET

WASHINGTON, June 16, 1950—6 p. m.

313. Pls communicate fol to SYG:

"The United States Government is in possession of evidence that Nicolas J. Kyriazidis has, while serving as correspondent accredited by the United Nations, abused his privileges of residence in activities

in this country outside his capacity as accredited United Nations correspondent.

"The United States is therefore of the opinion that Mr. Kyriazidis should not be re-accredited by the United Nations.

"If Mr. Kyriazidis is re-accredited the Government of the United States may find it necessary to institute deportation proceedings or take other action consistent with the terms of the Headquarters Agreement as brought into effect by the exchange of notes between the United States and the United Nations on November 21, 1947.

"The objection of the United States to the continued accreditation of Mr. Kyriazidis is not based on the political beliefs of the subject or those of the newspapers he represents. The United States will, of course, consult with the United Nations with regard to an application for accreditation by the United Nations of another *bona fide* representative chosen by these newspapers."

At appropriate time, inform SYG, for his confidential information only, as follows:

"The United States Government has received evidence that Mr. Kyriazidis is acting in the United States as representative of the Greek guerilla forces; that he is one of those directing the activities in the United States of the O.E.N.O. (the Federation of Greek Maritime Unions) and of the Greek-American League for Democracy in Greece; that he has been a contact for Communist groups in Greece with the embassies of several countries in the United States and with the Communist party of the United States."

ACHESON

315.41/5-450

The Secretary of State to the Ambassador in Denmark (Anderson)

SECRET

[WASHINGTON,] October 25, 1950.

No. 31

The Secretary of State acknowledges the receipt of the Embassy's despatch No. 464, dated May 4, 1950,¹ requesting information regarding Nicholas J. Kyriazidis, a newspaper correspondent formerly accredited to the United Nations.

The delay in responding to this inquiry has been occasioned by the fact that the Department has had under consideration this particular case and attending cases which have just recently been disposed of. There is outlined below in detail for the *confidential* information of the Officer in Charge the action taken by the Department in these matters.

(1) *Case of Nicholas J. Kyriazidis*

Nicholas J. Kyriazidis, a Greek national and an admitted Communist, came to the United States in June 1947. Shortly thereafter

¹ Not printed.

he was accredited to the United Nations as a correspondent. In December 1947, the Immigration and Naturalization Service sought to deport him on the ground that his accreditation had lapsed because the newspapers to which he had been accredited had been suppressed by the Greek Government. It appeared, however, that Kyriazidis had obtained accreditation for a paper in Cyprus and after consultation with the Secretary General, Kyriazidis was released. Later, when the consultation procedure contemplated by the United Nations Headquarters Agreement was put into effect, Kyriazidis filed a new application for accreditation as a correspondent for the Cyprus newspaper *Demokratias* as well as the *London Daily Worker*. In commenting on this application, the United States did not object to the accreditation, but the United Nations was advised that if the subject were accredited it might be necessary for the United States to pursue deportation proceedings, restrict the subject to the headquarters area and its immediate vicinity, or take other action consistent with the terms of the Headquarters Agreement. The United Nations accredited Kyriazidis on March 1, 1948. The United States Government made the same comment with regard to Kyriazidis' subsequent applications for re-accreditation and on August 17, 1949, Kyriazidis was, in fact, restricted in travel to the limits of New York City and Long Island.

Prior to the expiration of his accreditation period on February 26, 1950, the Department of State received a report on Kyriazidis from the Federal Bureau of Investigation. On the basis of this report, the Immigration and Naturalization Service informally indicated to the Department that it would like to have the individual deported and for that reason would like to see Kyriazidis' accreditation discontinued. Since the primary responsibility for the internal security of the United States rests with the Department of Justice, no final determination could be made without consultation with the Attorney General. The Department, therefore, instituted such proceedings with the Attorney General to determine whether Kyriazidis represented a serious threat to the security of the United States and to determine the importance of the security factor in the case as compared with the political problems which would be raised by action against Kyriazidis. The gravity with which the Department viewed this case was based both on the desire to see that no undue risk was taken by the United States with its security and the desire to assure that this Government acts at all times in consistency with the position that it has taken on the free flow of information and its obligations as host to the United Nations. It had very much in mind that the Secretary General might accredit a correspondent over the objection of the United States and that a proper regard for the responsibilities of the Secretary General made it imperative that the Department ask him to accede to ob-

jections of the United States only when they were well founded on grounds which could be accepted by him as an international official.

Because a comment from the United States was due, the Department instructed the United States Mission to the United Nations to transmit to the Secretariat the following comment:

"Pending further consideration, this Government withholds objection to the accreditation of Mr. Kyriazidis. This Government may, however, find it necessary in the near future to object to any continuation of this individual's accreditation, or to pursue deportation proceedings or take other action consistent with the terms of the Headquarters Agreement as brought into effect by the exchange of notes between the United States and the United Nations on November 21, 1947.

"If the United Nations decides to re-accredit Mr. Kyriazidis at this time, you may wish to consider, in the light of the above, the advisability of accrediting the individual for a short period only, perhaps for sixty days or three months."

In accordance with the suggestion contained in this comment, the United Nations extended the accreditation of Mr. Kyriazidis for a period of three months only, i.e., from February 26, until May 27, 1950.

Consultation proceedings with the Attorney General were not completed at the expiration of this last accreditation period and, consequently, it was extended further by the United Nations for a period of two weeks, June 2-19, 1950, at the suggestion of the Department.

At a special general meeting on March 7, 1950, the United Nations Correspondents Association protested the three months' extension of Kyriazidis' accreditation period rather than for the usual period of a full year, and because no formal charges had been brought against him, the Association, in a resolution, requested the Secretary General to extend the credentials of Kyriazidis for the full one-year period and asked that consultation be had with the Executive Committee of the Association in all future cases where exceptions to prevailing practice of accrediting correspondents was made.

In considering the evidence which had been presented against Kyriazidis, the Department noted that there were no grounds for questioning his *bona fides* as a correspondent. Any grounds for action, therefore, had to be based on activities "outside his official capacity." It was not necessary, of course, for these activities to constitute a violation of the laws of the United States. As a result of the evaluation of the evidence contained in the Federal Bureau of Investigation report, the Departments of State and Justice arrived at the conclusion that Kyriazidis had, in fact, abused his privileges of residence by engaging in certain activities above and beyond those of his official activities

as an accredited United Nations correspondent, and that foreign policy considerations did not outweigh the security risk involved. It was, therefore, determined that this Government should not approve his further re-accreditation by the United Nations.

Pursuant to Departmental instructions, the Mission advised the United Nations Secretariat, on June 19, 1950, that this Government was of the opinion that Mr. Kyriazidis should not be re-accredited by the United Nations since it was in possession of evidence that he had abused his privileges of residence in activities in this country outside his capacity as an accredited United Nations correspondent, and that its objection was not based on any political beliefs of the subject or those of the newspapers which he represented. It was made clear that this Government would, of course, consult with the United Nations with regard to an application for accreditation by the United Nations of another *bona fide* representative chosen by these newspapers. In reply to an inquiry from the United Nations Secretariat requesting information concerning the nature of the abuse of privileges of residence by Kyriazidis, the United Nations Secretariat was informed that this Government was prepared to communicate to the Secretary General of the United Nations, informally and for his confidential information, a statement of the substance of its information concerning the activities which constituted an abuse of privileges of residence. An appointment with the Secretary General was requested for this purpose but prior to the granting of such appointment Nicholas J. Kyriazidis departed from this country voluntarily on August 1, 1950. Further proceedings in the matter were, therefore, abated and his accreditation as a correspondent was cancelled by the United Nations on August 1, 1950.

(2) *Admission of Families of Accredited Representatives of the Press and Other Media of Information*

It is clear that Section 11 of the Headquarters Agreement does not confer, and was not intended to confer, any privileges with respect to entry into the United States of members of the families of representatives of the press and other media of information accredited by the United Nations. The absence of privileges for these families is probably due to the fact that at the time the Agreement was concluded, it was generally envisaged that representatives of the press and other media of information would be resident at the United Nations headquarters for comparatively short periods of time. While the practice which has arisen since that time has shown that such representatives are frequently at the United Nations headquarters for periods of one year or longer, the fact remains that the Executive Branch of the

Government has no authority by administrative action or interpretation to increase the scope, or otherwise to alter the meaning, of the provisions of the Headquarters Agreement beyond their purport, as approved by the Congress of the United States.

There has been no difficulty in those cases where the families and more specifically the wives of these representatives were admissible to the United States under the United States immigration laws quite apart from the Headquarters Agreement. The difficulty arises in the cases of family members who, under the immigration laws, are not admissible because of present or past political beliefs or present or past membership or activity in or association with certain political organizations.

This problem was the subject of an inquiry and a resolution of the United Nations Correspondents Association in November, 1949, wherein the Association called upon the Secretary General of the United Nations "... to use every effort to secure from the United States Government an administrative interpretation of the Headquarters Agreement, which, in accord with its spirit and intent, will ensure that families may accompany or join correspondents during their assignment at UN headquarters." At a special general meeting on March 7, 1950, the Association approved a subsequent resolution urging "... revision of the Headquarters Agreement and parallel agreements with other governments to afford protection to correspondents' families and free access or entry to the permanent United Nations Headquarters and other areas where the United Nations and its agencies function on the same terms as *bona fide* correspondents." In May of 1950, this matter was also the subject of a resolution by the United Nations Sub-Commission on Freedom of Information and of the Press when at its fourth session in Montevideo it noted the absence of any provision aimed at facilitating the entry of wives and families of accredited news personnel and found that this could hinder the work of news personnel through hardship and the disruption of families. The Sub-Commission in its resolution drew the attention of the Economic and Social Council to this situation with the recommendation that the Council take such action as it might consider necessary under the circumstances.

On April 6, 1950, the Department received an *Aide-Mémoire* from the United Nations Assistant Secretary General for Legal Affairs formally requesting that an appropriate amendment to Section 11 of the Headquarters Agreement be made or that consideration be given to the advisability of this Government entering into a supplemental agreement with the United Nations, which would extend the privileges granted to families of representatives of Members and of

officials of the United Nations under Section 11(1) to those of representatives of the press, or of radio, film, or other information agencies accredited by the United Nations. In considering this request, the Department determined, despite its appreciation of the problem and its sympathetic attitude thereto, that: (1) This was not a subject of sufficient importance to warrant re-opening of the Headquarters Agreement; (2) It would not be advisable to request Congressional approval of an amendment to the Headquarters Agreement at this time since it would subject the Agreement to scrutiny and possible change; and (3) This was not the type of problem which could be resolved by a supplemental agreement without Congressional approval.

Since the only alternative solution of this problem would involve exercise of discretion by the Attorney General under the Ninth Proviso of Section 3 of the Act of February 5, 1917, (39 Stat. 878) (8 U.S.C. 136),² it was necessary for the Department to consult with the Department of Justice to see whether the Attorney General would treat sympathetically recommendations of the Department of State in this regard. On June 15, 1950, a representative of the State Department conferred with a representative of the Department of Justice and sought the agreement of the Attorney General to admit under the Ninth Proviso the inadmissible family members where there was no adverse evidence against the persons other than that they were Communists. The Department of Justice representative stated that the Attorney General was not prepared to give a blanket advance commitment to admit all such family members, but would have to insist on case by case consideration. It was added, however, that if the Department of State recommended the admission of such a family member as in the national interest from the point of view of the foreign relations of the United States, the Department could be certain of the most sympathetic consideration. Accordingly, the United States Mission to the United Nations, pursuant to Departmental instructions, advised the Secretary General as follows on July 10, 1950:

"The United States Government will give careful and sympathetic consideration, in the light of the facts of each particular case, to applications by persons who apply to enter the United States simply to accompany the head of the family who is an accredited United

² The Act of February 5, 1917, was captioned "An Act To regulate the immigration of aliens to, and the residence of aliens in, the United States." (39 Stat. 874). There were 10 "provisos" to Section 3 of the Act (39 Stat. 877, 878). The ninth of these recitals provided *inter alia* "That the Commissioner General of Immigration with the approval of the Secretary of Labor shall issue rules and prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission" (39 Stat. 878).

Nations correspondent* admitted to the United States under the United Nations Headquarters Agreement."

It is believed that while the Secretary General may have preferred a supplemental agreement, the procedure established will be acceptable in practice since the Department is prepared to recommend Ninth Proviso action in any case in which it appears that the admission of the individual would not create a serious threat to the national security and since the sympathetic consideration of the Attorney General is anticipated in each instance. Also, it is felt that there will be only a handful of cases wherein the Department will necessarily request Ninth Proviso action since it is to be noted that, as a rule, the cases in question do not involve the admission of nationals of the Iron Curtain countries. In those countries, the press is run by the Government and press representatives and their families come to the United States as foreign government officials. The Department is concerned, therefore, in general only with a very few cases of inadmissible family members from non-Iron Curtain countries. To date there has been but one case in which the Department had under consideration recommendation of Ninth Proviso action for an inadmissible family member—that of Mrs. Nicholas J. Kyriazidis, wife of an accredited United Nations correspondent, which is discussed below.

If at some future date negotiations are begun between the United Nations and the United States for other amendments to the Headquarters Agreement, the United States will at that time reconsider the need for amendment with regard to this subject.

(3) *Case of Domna Kyriazidis (Mrs. Nicholas J. Kyriazidis)*

On January 8, 1948 the Embassy in Athens denied a 3(2) temporary visitors visa to Domna Kyriazidis, a Greek national and the wife of Nicholas J. Kyriazidis, who was a correspondent accredited by the United Nations. The applicant had applied for this visa ostensibly for the purpose of joining her husband at the United Nations headquarters in New York. Denial of the visa was based on the fact that the subject was inadmissible under the provisions of the Act of October 16, 1918,³ as amended, since evidence existed which indicated she was a member of the Greek Communist Party or sympathetic to its principles and that she had engaged in activities on behalf of that Party. Additionally, her husband, an admitted Communist, was at that time representing as foreign correspondent two Greek Communist newspapers which had recently been banned by

*While the word "correspondent" is used, it is meant to embrace not only representatives of the press, but representatives of radio, film, or other information agencies. [Footnote in the source text.]

³40 Stat. 1012. This statute was captioned "An Act To exclude and expel from the United States aliens who are members of the anarchistic and similar classes."

the Government of Greece for subversion and treason. As noted in the discussion above under item (2), the applicant had no privileges of entry as a member of the family of an accredited correspondent to the United Nations, and consequently she was subject to qualification in all respects to existing immigration laws and regulations.

In October of 1949 the Department received a request for an advisory opinion from the Embassy in Paris, where Domna Kyriazidis had again applied for a 3(2) visa. At the time the Department received this request, it had under consideration the case of her husband, Nicholas J. Kyriazidis, against whom information had been received indicating his abuse of privileges of residence in this country. Consultation proceedings had also been instituted by the State Department with the Department of Justice in order to determine whether or not this Government should approve any further extension of his accreditation as a correspondent by the United Nations. Coincidentally, at this same time the Department was discussing with the Department of Justice the general subject of requesting Ninth Proviso action for inadmissible family members of representatives of the press and other information media and this case, therefore, became the first such case to arise in this connection. While Mrs. Kyriazidis was alleged to be a Communist, there was no evidence which indicated that her admission to this country would seriously prejudice the national security. Accordingly, the Department had under consideration Ninth Proviso action by the Attorney General on her behalf. Before a recommendation to this effect was made by the Department, however, a decision was reached in the case of her husband and it was determined that this Government would disapprove any further extension of his accreditation as a correspondent by the United Nations. This action coupled with the voluntary departure from this country of Nicholas J. Kyriazidis on August 1, 1950, obviated the necessity for any further consideration of the case of Mrs. Kyriazidis.

[Here follows brief comment relating to the settling of the specifically Danish questions originally set forth by the Embassy in Denmark in its despatch 464 of May 4, 1950.]

320/9-850 : Telegram

The Secretary of State to the Ambassador in India (Henderson)

SECRET

WASHINGTON, September 8, 1950.

353. 1. Dept informed by Emb London Rev. Michael Scott, who is inadmissible under US immigration laws (because of his reported

Commie connections), has applied visa attend forthcoming session GA his capacity rep Intl League Rights of Man.

2. Application Scott appear before Fourth Comite in order set forth views indigenous inhabitants SW Afr was one of most controversial questions which confronted 1949 session GA. Fourth Comite agreed give Scott oral hearing over strenuous opposition So Afr. US voted against proposal. GOI has taken direct interest Scott and in 1946 formally requested US admit Scott in capacity adviser GOI Del to GA.

3. While Intl League Rights of Man is non-governmental org having consultative status Art 71 UN Charter, Dept holds Sec 11 (4) Hdqrs Agreement obligates US facilitate attendance non-governmental org reps only at mtgs ECOSOC and subsidiary bodies and not repeat not GA or other organs. Entry Scott last year was on basis his position rep of non-governmental org to ECOSOC mtg. Authorization Scott prolong his stay US attend GA based on probability invitation address Fourth Comite, which was in fact extended to him by that body. Re present visa application Scott, Dept expects defer action pending knowledge whether Comite Four invites him. If Scott invited by Comite Four appear before it, Dept will recommend issuance appropriate visa as provided for Sec 11 (5) Hdqrs Agreement.

4. Dept concerned over possibility undesirable repercussions may ensue if inadmissibility Scott widely publicized either by himself or countries, particularly India, interested his appearance before GA. Dept also feels if question admission Scott becomes issue in GA, atmosphere in Fourth Comite will be adversely affected and cleavage between administering and non-administering powers which emerged last session GA will be further intensified.¹ In order prevent development such situation you are authd in reply any queries from GOI inform GOI Dept position described foregoing para, if you consider such action desirable.

5. London authd inform UK Dept position re admission Scott if considered appropriate. London also authd at its discretion utilize info re Dept position counter any publicity unfavorable US this matter (Embtel 1450, Sept 7).² Dept suggests that if possible info given press be limited to statement his application under consideration with view determining whether he can qualify for entry under Hdqrs Agreement.

¹ For documentation regarding problems relating to trusteeship and non-self-governing territories (under the purview of the General Assembly's Fourth Committee), see pp. 434 ff. For documentation regarding the South West Africa question, see pp. 474 ff.

² Not printed.

6. USUN authd indicate Dept position only in response specific inquiries from dels, as Dept does not wish stimulate interest in possible move have Scott appear before Fourth Comite.

Sent Delhi 353, repeated London 1279, USUN 230.

ACHESON

320/9-2650

Memorandum by the Legal Adviser (Fisher) to the Assistant Secretary of State for United Nations Affairs (Hickerson)

WASHINGTON, September 26, 1950.

Subject: Visas for Representatives of Non-Governmental Organizations to Attend Meetings of the General Assembly

In a memorandum dated September 21, 1950, Mr. Sandifer of UNA requested the opinion of this Office concerning the interpretation of Section 11(4) of the Headquarters Agreement between the United States and the United Nations.¹ In a memorandum of September 19, 1949, to Messrs. Sandifer and Boykin,¹ it was formally stated as the opinion of this Office that the "representatives of non-governmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the Charter" include representatives who are coming for any purpose which is part of consultation as defined by the Council—not merely for consulting with the Economic and Social Council itself but also for consultation with the Council through its committees and commissions, and through attendance at meetings of the Council, its committees and commissions. Subsequent to that time, the Legal Department of the United Nations Secretariat has taken the position that Section 11(4) also covers representatives of non-governmental organizations for attendance at meetings of the General Assembly.

As Mr. Sandifer's recent memorandum states, the question has become acute because of at least two current cases involving the exact point in issue. Mr. George Fischer, a representative of the World Federation of Trade Unions, was being held by the immigration authorities on Ellis Island.² The Reverend Michael Scott, a representative of the International League for the Rights of Man, is in London awaiting action on his visa application. There are also several other parallel cases in the offing.

¹ Not found in Department of State files.

² Fischer arrived in New York on September 19 without a valid visa and was deported on September 22. For a later phase of the Fischer case, see extract from minutes of the United States Delegation to the General Assembly October 30, p. 77.

It is the opinion of this Office that under Section 11 (4) of the Headquarters Agreement the United States is obligated to admit representatives of recognized non-governmental organizations only when they are proceeding to the Headquarters District for purposes of consultation with the Economic and Social Council or its Subsidiary bodies; there is no obligation to admit them for attendance at the proceedings of other organs of the United Nations, including the General Assembly. Our reasoning is as follows.

Section 11 of the Headquarters Agreement provides, in part:

"The Federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of (1) representatives of Members or officials of the United Nations, or of specialized agencies as defined in Article 57, paragraph 2, of the Charter, or the families of such representatives or officials, (2) experts performing missions for the United Nations or for such specialized agencies, (3) representatives of the press, or of radio, film or other information agencies, who have been accredited by the United Nations (or by such a specialized agency) in its discretion after consultation with the United States, (4) representatives of nongovernmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the Charter, or (5) other persons invited to the headquarters district by the United Nations or by such specialized agency on official business."

The words that are in issue are the following in subsection (4): "recognized by the United Nations for the purpose of consultation under Article 71 of the Charter". Due to the phraseology and the lack of punctuation, several interpretations as to the exact meaning intended by the parties are possible.

The United Nations Secretariat is of the opinion that the intent of the drafters would be fulfilled if the words were read as a single limitation upon the words "representatives of non-governmental organizations". Thus construed, they would then be purely descriptive of what non-governmental organizations would be qualified to send representatives. Once an organization had been designated by the Economic and Social Council under Article 71 of the United Nations Charter, that organization could henceforth send representatives to the Headquarters District without any limitations as to time or as to the purpose of their visit.

It is our opinion that this interpretation does not represent the intent of the parties. It is our definite view that the part of the subsection following the word "organizations" contains two limiting phrases, one designating which organizations were eligible to send representatives and the other limiting the purposes for which these representatives could come to the Headquarters District. Thus construed, it would be no violation of the rules of legislative con-

struction to paraphrase Section 11(4) as follows: "The . . . authorities . . . shall not impose any impediments to transit to or from the headquarters district of . . . (4) representatives of nongovernmental organizations, which are recognized by the United Nations, for the purpose of consultation under Article 71 of the Charter." It is this meaning which we believe that the parties had in mind when they made the Agreement.

We are led to our conclusion not only by considering the general tenor of the Agreement, but also by closely examining the construction of Section 11 as a whole and the other subsections contained therein. In the various subsections we discover three different types of elements: (a) a nominative element, such as "representatives of members" or "experts"; (b) a purely descriptive element which helps define the nominative element, such as "as defined in Article 57, paragraph 2, of the Charter"; and (c) an element limiting time or purpose, such as "performing missions, etc." in subsection (2). Subsections (1) and (3), covering representatives of Members or officials of the United Nations and representatives of the press, etc., do not contain the third element. This is only natural since the persons covered therein are interested in all phases of the work which is done by all of the various organs of the United Nations, and they would be expected to be in attendance at any and all times. Conversely, Subsections (2) and (5) do contain the third element, and the persons described therein are closely limited as to time and purpose of visit. Contrary to the view held by the Secretariat, it is our opinion that only the words "recognized by the United Nations" are used to describe which organizations are eligible to send representatives, and subsection (4) also has the third element, i.e., a limitation of purpose, which is contained in the words "for the purpose of consultation under Article 71 of the Charter".

The interests of such organizations are limited. In relation to the whole field of United Nations activities, their individual interests are narrow. Collectively, their interests do not come close to covering the whole broad field of United Nations work, but they are generally limited to the social and economic areas. In the Charter, mention of the non-governmental organizations was made only in connection with the chapter dealing with the Economic and Social Council, and that organ was singled out as the one through which they would normally make their influence felt and with which they would consult. It is this normal activity which the Headquarters Agreement was intended to cover. Logic leads us to the conclusion that the representatives of non-governmental organizations are much more analogous to those persons covered in subsections (2) and (5) than to those in subsections

(1) and (3) who have unlimited interests. Hence it seems correct to read subsection (4) as though it contained both a descriptive phrase ("recognized by the United Nations") and a phrase limiting the purpose of their visits.

It should also be noted that if organs of the United Nations, other than the Economic and Social Council and its subsidiary bodies, wish to consult with representatives of non-governmental organizations, they need only invite such representatives and they will be subject to admission under Section 11(5) of the Agreement. Section 11(4) is to provide for the ordinary, rather than the extraordinary, consultation of representatives of non-governmental organizations with the United Nations.

Also, if the Secretariat's interpretation were permissible, all of the words following the words "United Nations" would appear to be superfluous. It would have been sufficient to say "representatives of non-governmental organizations recognized by the United Nations", since under the Charter it is the Economic and Social Council which alone is mentioned in regard to the making of arrangements for consultation with non-governmental organizations. If the Secretariat were correct, the drafters probably would have phrased it, "representatives of non-governmental organizations recognized by the Economic and Social Council" and would have omitted any mention of "purpose, etc." In effect it is our definite conclusion that the parties intended by their words to limit the obligation to visits by representatives of non-governmental organizations to the Headquarters District to consult with the Economic and Social Council and its subsidiary bodies, but not with other organs of the United Nations.

Conceding that their interpretation of the words of Section 11(4) is very broad, and that our interpretation may be proper, the Secretariat makes a further argument. They maintain that even if one reads the section with a limitation as to purpose therein, as we submit is proper, it is necessary to interpret the intent and the meaning of the words of the limitation itself. They submit that "for the purpose of consultation under Article 71 of the Charter" is the equivalent of "to engage in consultation concerning economic and social matters, in accordance with arrangements made by the Economic and Social Council under Article 71 of the Charter". The Secretariat further contends that if one examines Article 71 itself, and the arrangements made thereunder, that it will be concluded that the Economic and Social Council not only has the power to make arrangements for the consultation of representatives of non-governmental organizations with organs of the United Nations other than the Council and its subsidiary bodies, but also has exercised such power in the arrange-

ments which it has made. We believe that this does violence to the words of Article 71, the position of this Article in the Charter, and the general theory of the division of powers and functions among the various organs of the United Nations.

Article 71 provides as follows:

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

The words of this Article clearly imply that the Economic and Social Council can make arrangements for *its own* consultation with non-governmental organizations. There is neither specific mention nor implication that the Council is to arrange for consultation between the non-governmental organizations and any other organ of the United Nations, other than its own subsidiary bodies. Such an implication would belie the whole theory of division of powers and functions. Each organ makes its own arrangements for consultation by itself and its subsidiary bodies with other entities.

The Secretariat maintains that the Economic and Social Council *has* made arrangements for the consultation of representatives of non-governmental organizations with the General Assembly, and that the United States, by its vote in favor of such arrangements, acquiesced in such arrangements. It is the opinion of this Office that the Council did not make any such arrangements. It lacked both the power and the intent to make them. However, for the sake of argument, we will briefly examine the consultative arrangements which the Council has made.

New consultative arrangements were established by the Economic and Social Council at its Tenth Session by its Resolution of February 27, 1950 (E.1646). It is necessary to examine this resolution as a whole to see if we can discover any intent on the part of the Council to prejudge the arrangements for consultation which the General Assembly might or might not make with the various non-governmental organizations.

The resolution is prefaced with the following words:

"Considering that consultations between the Council and its subsidiary organs and the non-governmental organization should be developed to the fullest practicable extent,

"Approves the following revised arrangements for consultation:"

The resolution is a long and detailed one and is divided into ten parts. The first nine of these are concerned with the detailed arrange-

ment for consultation by non-governmental organizations with the Economic and Social Council and its numerous subsidiary bodies. There is no reference to consultation with other organs of the United Nations.

The tenth part is entitled "Consultation with the Secretariat". Since the Secretariat is to service the Council and its subsidiary bodies, it is only natural to expect that certain arrangements between the Secretariat and the representatives of non-governmental organizations would be dealt with in the Council resolution. The first three paragraphs of the tenth part deal with the internal organization of the Secretariat, consultation with officers of the Secretariat, and the preparation of studies by certain non-governmental organizations at the request of the Secretary-General.

The last paragraph provides:

"40. The Secretary-General shall be authorized, within the means at his disposal, to offer to non-governmental organizations in consultative relationship facilities which include:

(a) Prompt and efficient distribution of such documents of the Council and its subsidiary bodies as shall in the judgment of the Secretary-General be appropriate.

(b) Access to the press documentation service at the United Nations Headquarters.

(c) Arrangement of informal discussions on matters of special interest to groups of organizations.

(d) Use of the libraries of the United Nations.

(e) Provision of accommodation for conferences or smaller meetings of consultative organizations on the work of the Economic and Social Council.

(f) Appropriate seating arrangements and facilities for obtaining documents during public meetings of the General Assembly dealing with matters in the economic and social fields."

There would appear to be nothing explicitly or implicitly in these words to justify a conclusion that it was the intent of the Economic and Social Council to decide with whom the General Assembly should or should not consult.

The words of paragraph 40 are far from strong or compelling. The Secretary-General is "authorized", not "requested" or "instructed". He is to act "within the means at his disposal". He is to "offer" certain "facilities". According to subsection (f), two such "facilities" are "seating arrangements and facilities for obtaining documents during public meetings of the General Assembly, etc." The authorization is to the Secretary-General to offer certain facilities under certain implied conditions. The conditions are fulfilled *if* and *when* representatives of non-governmental organizations are invited by the General Assembly

to attend or consult with the General Assembly. Upon such invitation, certain facilities will be extended by the Secretary-General. There is no authorization here for non-governmental organizations to attend meetings of the General Assembly. There is no authorization to the Secretary-General to extend such invitations on the part of the Economic and Social Council.

Certain non-governmental organizations have permanent representatives residing in the United States. These representatives are free to attend the public meetings of the General Assembly. However, attendance at the meetings of the General Assembly and consultation with the General Assembly are entirely different things. All that the Economic and Social Council resolution purports to do is authorize the Secretary-General to arrange seating facilities, etc., for representatives of non-governmental organizations when they attend public meetings of the General Assembly. If the General Assembly wished that no special facilities be extended to them, its wish would certainly override the Council's "authorization". To this extent it can control their *attendance*. It also has complete control over its own *consultation* with non-governmental organizations.

Non-governmental organizations which do not have resident representatives in the United States and which desire to send representatives to attend meetings of the General Assembly, as distinguished from the Economic and Social Council and its subsidiary bodies, must be invited by the General Assembly to send representatives to the Headquarters District on official business. The invitation can be for purposes of attendance and/or consultation. Entry into the United States will be granted in accordance with Section 11(5) of the Headquarters Agreement.

We do not believe that it was the intent of the Economic and Social Council to usurp the powers of the General Assembly to deal with whom it pleases and no one else. If, however, such was the intent of the Council, the United States did not understand it as such at the time the resolution was passed, and the United States was and is of the opinion that such an attempt would be an illegal usurpation of power which legally belongs to the General Assembly itself.

In conclusion, it is the definite opinion of this Office that there is nothing in either the Headquarters Agreement, Article 71 of the Charter, or the consultative arrangements made by the Economic and Social Council that obligates the United States to permit entry of representatives of non-governmental organizations into the United States for the purpose of consulting with, or attending the proceedings of, any United Nations organ other than the Economic and Social Council and its subsidiary bodies.

ADRIAN S. FISHER

320/9-2650

*Minute of Conversation Between the Secretary of State and the British Secretary of State for Foreign Affairs (Bevin)*¹

SECRET

[NEW YORK,] September 26, 1950.

In a conversation on other matters, Mr. Bevin said that the British were very much concerned about the Michael Scott Case.

Mr. Acheson said that we were going into this problem very carefully and mentioned the fact that the passage of the McCarran Bill somewhat complicated our handling of the problem.²

LUCIUS D. BATTLE

¹ Drafted by Lucius D. Battle of the Executive Secretariat.

² This refers to the Internal Security Act of 1950 (64 Stat. 987), which was enacted into law by the Houses of Congress over the President's objection on September 23. Documentation on the impact of this legislation on the conduct of United States foreign relations is scheduled for publication in volume I.

IO Files¹: US/A/M (Chr)/143

*Minutes of the Eighth Meeting of the United States Delegation to the General Assembly,*² *New York, September 27, 1950, 9:15 a. m.*

SECRET

[Here follow list of persons present (47) and brief consideration of prior agenda items. The Delegation then engaged in lengthy discussion of the Michael Scott case.³]

The Secretary suggested that we should be sure of the United Nations situation. If there were just general pressure in the corridors relating to Scott, that was something we had to stand. Congress had passed a law which covered this subject and no matter what view we might take of the law, it existed.⁴ We would involve ourselves in a continual fight with the Department of Justice if we were to use the few loop holes provided on cases such as this. If the law were wrong, that was too bad, but that was the kind of a country we had, and other Delegations would simply have to understand this fact. On the other hand, if Scott had any reasonable connection with the General Assembly, we could find a way of getting him into the country. All that

¹ Short title for the master files of the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

² The fifth regular session of the General Assembly of the United Nations had convened at New York on September 19. For information regarding the composition of the United States Delegation and its Advisory Staff, see p. 24.

³ The Delegation had before it an 8-page position paper on the matter, which is not printed (IO Files, Doc. US/A/C.4/134).

⁴ This refers to the Headquarters Agreement of 1947.

was necessary was for someone to say he was wanted and would serve a useful purpose. The Secretary suggested that the Secretary-General might be asked to find out what the actual situation was. If he then informed the United States that the business of the Assembly would be helped, then Scott could be admitted. On the contrary, if this was just a matter for which some Delegations wanted to criticize us, let them go ahead; we could stand criticism.

Mr. Cohen questioned whether the Secretary's approach might not be a little narrow. It would mean that either we would have to force Scott to wait until the Committee had taken action or place responsibility on the Secretary-General for indicating Scott was necessary to the Assembly, which responsibility he might not be willing to assume. In his view, the problem was to try to work out a somewhat broader category of United Nations business than that which we have at present which would require the Secretary-General to certify that he had been requested by the Assembly. Mr. Meeker pointed out that section 11 (5) of the Headquarters Agreement covered other persons invited by the United Nations or by specialized agencies on United Nations business. Mr. Rusk asked whether we were not entitled to ask the United Nations whether a given individual was coming on United Nations business; if the Secretary-General answered in the affirmative, then we granted a visa. He believed the United Nations should take this responsibility.

Senator Sparkman noted that Scott had entered the country in 1947 as an adviser to the Indian Delegation and wondered whether this device might not be used again. Mr. Tate answered that there had been some talk about doing this but pointed out the difficulty involved since bringing Scott in that capacity might put him in the position of actually sitting in the Committee and speaking and thus give him more prominence than if he were an observer on the sidelines.

Mr. Dulles pointed out that in order to have Scott admitted, the Department would have to certify to the Attorney-General that his admission was in the national interest. In addition, no matter what position one took toward the policy of the Act, the Department should be able to cite a specific relation between Scott and the United Nations. He asked why the United States could not write to the Secretary-General or to the Chairman of the Fourth Committee to ask whether they wished Scott admitted, and if they said "yes," the Department would then have a basis for action which did not exist today. Certainly we could not argue Scott's admission was in the national interest.

Mr. Cohen thought that in this sense the national interest was involved. The United States, he believed, had a grave responsibility

toward the United Nations which had located in this country. Anybody in this country could see other Delegations and had a certain right of petition, assembly, etc. While it might be we could not go so far as to allow any crank to enter the country who claimed he wished to talk to delegations, he believed that, where a legitimate interest in approaching other delegations and urging a particular case was shown, and a *prima facie* case could be made to this effect, it was in the national interest for us not to have complete control of who should have access to a great international institution like the United Nations. He believed, therefore, we should admit any individuals who showed substantial interest in United Nations proceedings. For this reason, he thought it too restrictive in this case simply to wait for Committee action. Mr. Dulles suggested the possibility of writing to the appropriate United Nations officials on this matter.

The Secretary believed that on the basis of the Delegations' discussion, it did not unanimously desire to request the Department to ask the Attorney General for action under the Ninth Proviso. He did not favor such action himself unless the Delegation was unanimous. He thought the way to work was along the lines suggested by Mr. Dulles, and that we should try to find out in some official way whether Scott was desired by the United Nations, and if so, we could then admit him either under the Ninth Proviso, under the Headquarters Agreement, or some other way through the legal maze. He emphasized that the Department had to justify every case of Ninth Proviso action under the new law.⁵ He asked for a record in this case. We would not have to have a formal committee vote, but perhaps only report that the Members had been canvassed, and it had been found that the work of the Assembly would be greatly facilitated if Scott were admitted to this country.

⁵ This is a reference to the Internal Security Act of 1950.

320/9-2950 : Telegram

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

CONFIDENTIAL

NEW YORK, September 29, 1950—10:44 a. m.

Delga 49. Following is text of letter dated September 29 from Lie to Austin:

"29 September, 1950 For attention Department of State: Dear Ambassador Austin: In a letter dated 29 September, 1950, copy of which is attached, Prince Wan, Chairman of the Fourth Committee,

informs me that, on the basis of an informal canvass of a majority of the delegations composing the committee, he has ascertained that it is the wish of the membership that Reverend Michael Scott be present at the headquarters during the proceedings of that committee. In consequence, I am writing to request that you make such arrangements as may be necessary to enable Mr. Scott to proceed to the headquarters of the United Nations as an invitee of the United Nations in order to be available for such consultations as the members of the Fourth Committee may desire during the present session of the General Assembly. Sincerely Yours, S. Trygve Lie, Secretary-General"

AUSTIN

310/10-1850 : Telegram

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

SECRET

NEW YORK, October 18, 1950—7 p. m.

695. Personal for the Secretary from Austin. As you know from discussions at GA Del meetings when you were in New York, the problem presented by the exclusion from the UN hdqrs of aliens coming on UN business has caused us serious difficulties and embarrassment, politically and in the public relations and propaganda fields.

In this connection I understand that the Department is now formulating a position concerning the effect of the Internal Security Act of 1950 on the UN hdqrs agreement, and specifically concerning the application of that act to the transit to and from the UN hdqrs district of aliens covered by Section 11 of the hdqrs agreement.

Since there appears to be some possibility that the Internal Security Act might be interpreted as affecting the hdqrs agreement, I wish to bring to your attention my views concerning the matter, speaking not only as the representative of the US to the UN, but also as an American interested in the security of this country.

For the following reasons I strongly urge an interpretation that the hdqrs agreement is not affected by the new act.

Although I am not fully advised concerning the legislative history of the Internal Security Act, I understand that it does not disclose an intention of Congress to affect US obligations under the hdqrs agreement. I note further that, although the act deals with the "general area" involving the entry and deportation of aliens connected with international organizations, it does not in terms purport to amend or repeal PL 357¹-80th Congress or to implement the Section 6 reserva-

¹ That is, the Headquarters Agreement.

tion of that law (which has never been accepted by UN).² Accordingly, I believe a sound legal argument can be made that the act merely amends the general immigration laws which, by virtue of Section 13 of the hdqrs agreement, are ineffective to interfere with the privileges of transit conferred by Section 11 of that agreement. Effect can be given to the provisions of the Internal Security Act relating to the issuance of Section 3(7) visas and to the entry or exclusion of representatives of foreign governments in or to international organizations, by applying these provisions to employees, representatives, et cetera, of or to international organizations other than UN. It is not unreasonable to assume that Congress intended to differentiate between UN, toward which US has "treaty" obligations of the hdqrs agreement, and other international organizations toward which US has no such obligations.

In view of the fact that the language of the Internal Security Act may permit differing legal interpretations concerning its effect on the hdqrs agreement, I suggest that the determining factor in adopting a particular interpretation be its effect on the position of the US vis-à-vis UN and member governments.

An interpretation of the act as affecting the hdqrs agreement and restricting access to the hdqrs district would place the US in the wholly untenable position of vitiating its agreement with UN. Every means should be taken to avoid such a position at the moment when the US is most closely identified with UN and is seeking to bolster the prestige of UN as the principal basis for world peace. You will recall several attacks made in GA committees in the past few weeks concerning the failure of the US to admit aliens coming to UN. In addition, a number of friendly dels have informally expressed concern regarding US restrictive policies as applied to UN. An interpretation of the Internal Security Act as affecting the hdqrs agreement would provide a field day for Eastern European representatives and, in my opinion, seriously embarrass our GA Del, especially in connection with such items as human rights and freedom of information.

UN Legal Department (Feller) has expressed the opinion that UN will officially protest any application of the Internal Security Act in derogation of the hdqrs agreement. I am unable to conceive how

² There were two annexes to the Headquarters Agreement, and the Section 6 reservation occurs in Annex 2. It provided that "Nothing in the agreement shall be construed as in any way diminishing, abridging, or weakening the right of the United States to safeguard its own security and completely to control the entrance of aliens into any territory of the United States other than the headquarters district and its immediate vicinity." The reservation further provided that nothing in the agreement "shall be construed to amend or suspend in any way the immigration laws of the United States or to commit the United States in any way to effect any amendment or suspension of such laws." (61 Stat. 767, 768) For information regarding the legislative background of this section, see *Foreign Relations*, 1947, vol. I, p. 45.

such a protest could be handled in a manner which would avoid serious consequences in public relations and propaganda fields.

Finally, I believe that administrative difficulties arising from an attempt to apply the Internal Security Act to persons covered by Section 11 of the hdqrs agreement will result in continuous confusion and delay, with resulting ill feeling on the part of UN and foreign dcls toward US.

I strongly recommend that the Department seek the concurrence of the Attorney General in the position that the provisions of the Internal Security Act are not applicable to persons covered by Section 11 of the hdqrs agreement. At the same time, speaking as an American and considering the obvious intent of Congress to safeguard the security of the US, I recommend that the Department make every effort to ensure that this Government maintains adequate machinery to prevent persons admitted to the US under the provisions of the hdqrs agreement from endangering our national security.

AUSTIN

IO Files: US/A/M (Chr)/164

Minutes of the Twenty-ninth Meeting of the United States Delegation to the General Assembly, New York, October 30, 1950, 9:15 a. m.

SECRET

[Here follow list of persons present (45) and discussion of a prior agenda item.]

2. *The case of the issuance of a visa to Mr. Fischer, a representative of the WFTU.*

Mr. Lubin called the attention of the Delegation to the case of Mr. Fischer, a representative of the WFTU, who desired to attend the present Economic and Social Council sessions, in his capacity as a representative of a non-governmental organization. The State Department had not instructed the Embassy in Paris as yet to give him a visa. As a result of the delay, the Economic and Social Council had passed a resolution sponsored by France, Mexico and Poland, the provisions of which Mr. Lubin proceeded to summarize.¹ The resolu-

¹ The United States Mission had reported urgently to the Department on this resolution in a niact telegram on October 28 (USUN 747, 6:27 p. m.). The essential part of the resolution requested the Secretary General

"... To have prepared as soon as possible and before the end of this session of the Council, a report on the implications of the legislation and administrative measures recently adopted in the United States governing the admission of aliens with respect to the application of the headquarters agreement concerning the admission of experts or representatives of non-governmental organizations enjoying consultative status. . . ."

The Mission pressed for prompt favorable disposition of the case and hoped for early assurances regarding future treatment of such aliens under the Headquarters Agreement.

tion was extremely critical of the United States, and Mr. Lubin thought that the Soviet delegate, Mr. Arutiunian, had made a real impression on the Council. The Council itself felt that some action should be taken, and the United States was left in the unfortunate position of being accused of stalling so long that the Economic and Social Council would have adjourned before Mr. Fischer received his visa. Mr. McKeever referred to a similar problem which had arisen from a resolution passed unanimously by the United Nations Correspondents Association regarding United States visa policy as applied to members of the Secretariat and to a Polish correspondent.

Mr. Cohen thought it might be helpful if the Delegation could inform the Department of its view that it would be valuable if a high official of the Department of Justice could come to New York to learn at close range the problems involved in connection with visa matters in the United Nations. Mr. Tate reported that the Fischer case was presently before the Attorney-General, and it was hoped that a decision might be gotten today. The problem was one of proper interpretation of the Headquarters Agreement and the effect of the McCarran Act. He believed that this matter deserved further consideration and noted that Mr. Fisher, the Legal Adviser of the State Department, was planning to visit New York in the near future, and would be glad to discuss this matter with the Delegation.²

[Here follows Delegation consideration of other agenda items.]

² The Attorney General of the United States invoked Ninth Proviso procedure in this case, and the Embassy in France was so informed in Department telegram 2272, October 30, 4 p. m. Fischer arrived in New York from Paris on November 6 and was in the United States until November 26.

315.41/11-2250 : Telegram

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

CONFIDENTIAL NIACT NEW YORK, November 22, 1950—11:05 a. m.

866. Mytel 695, October 18. Re UN accreditation of Theodore Doganis: Recently I brought to Department's attention my views concerning the results which would flow from an application of the provisions of the Internal Security Act of 1950 to persons coming to the UN Headquarters district under the provisions of Section 11 of the Headquarters agreement between the US and the UN.

We are now faced with a serious problem if the provisions of the Internal Security Act are to be applied so as to exclude Theodore Doganis, a correspondent for Telepress, Praha, who has sought accreditation by the UN solely for the present session of the GA.

Under the provisions of Section 11(3) of the Headquarters agreement the UN accredits correspondents only after consultation with the US Government. Under administrative arrangement with the UN, the US has agreed to furnish whatever comments it may have concerning an accreditation application within 14 days after receipt thereof. In the instant case the accreditation application of Doganis was forwarded to Department for comment on September 28, 1950 and as yet the comments of Department have not been forthcoming for transmission to UN.

The UN has been under pressure to accredit Doganis despite the fact that US has not yet commented concerning his accreditation (mytels 669, October 18, 762, November 3 [1] and 776,¹ November 30 [3]). The UN has finally informed us (mytel 821, November 14²) that in the absence of objection by the US to the accreditation of Doganis the UN is now proceeding with the preparation of necessary credentials of accreditation. We have been advised confidentially by Secretariat officials that no final action will be taken by the UN with reference to his accreditation until after Wednesday, November 22.

Yesterday in Committee 3 of the GA, the representative of Czechoslovakia requested a statement by the UN Secretary General concerning action taken by the Secretariat with respect to the accreditation application of Doganis in response to a communication to the UN Secretary General from the acting permanent representative Czechoslovakia to the UN dated November 7 (mytel 800, November 9²). We have been confidentially informed by Secretariat officials that the UN Secretary General will submit to Committee 3 immediately a memo detailing the facts of the case and stating that the Secretariat is now proceeding with the preparation of credentials of accreditation for Doganis.³

We understand that the delay in forwarding US comments re accreditation Doganis is due to question as to whether case of Doganis is covered by Section 22(1)(3) of the Internal Security Act⁴ and whether he could be admitted by the exercise of 9th Proviso action. Even assuming that the provisions of the Internal Security Act are applicable, we are unable to understand how Doganis is covered by Section 22(1)(3) and why 9th Proviso action has not been taken.

¹ Telegrams 762 and 776 not printed.

² Not printed.

³ The concluding paragraph of the Secretariat communication to the Czech delegate read: "The delegate of Czechoslovakia may rest assured that the United Nations is doing everything possible with regard to this matter and will inform him promptly of any further developments." (telegram 892 from USUN, November 27, 7:48 p. m., File No. 315.41/11-2750)

⁴ For this section, see 64 Stat. 1006.

There is no question but that UN Secretary General considers Doganis a bona fide newspaperman as indicated by intention to accredit and that accreditation as bona fide newspaperman is responsibility of Secretary General. The position of the Secretary General is supported by fact that Doganis was previously admitted and served as an accredited correspondent at Lake Success during last GA. He was never to our knowledge charged with activities there in abuse of privileges which would warrant his deportation or exclusion from the US. While Doganis is undoubtedly a member of the Communist Party, so too are representatives of Tass, *Pravda*, and other publications who have been admitted to the US to cover proceedings at Lake Success. Activities in which he may have engaged abroad in support of Communism but not directed against US Government and under circumstances not restricted as at Lake Success would not appear as sound basis for decision he would engage in prohibited activities when operating at UN Headquarters under restrictions imposed by immigration authorities. This is particularly true in view of his record when previously at Lake Success. In any case, should Doganis abuse his privileges of residence after entering into the US he could always be deported in accordance with the provisions of Section 13 of the headquarters agreement.

We anticipate serious consequences from the failure to admit Doganis to the US. This would be the first time the US has refused to admit to UN Headquarters district a person who is concededly a bona fide correspondent and covered by Section 11(3) of the Headquarters agreement. We know of no evidence which we could present against Doganis which would make probable a finding in our favor should UN feel obligated to seek arbitration under Section 21 of the Headquarters agreement, concerning the application to Doganis of the provisions of that agreement including the Section 6 reservation. The long delay which has occurred in this matter has already embarrassed us in our relations with Secretariat officials who are obliged as international civil servants to insist that the provisions of the Headquarters agreement be observed by the US. Most important of all, attacks in UN organs such as that in Committee 3 yesterday, which we cannot answer satisfactorily, undermine all our arguments concerning the respect owed to treaty obligations, freedom of information, et cetera.

We hope that a decision can be obtained by this afternoon so that UN will not proceed with the accreditation of Doganis prior to the receipt of US comments.⁵

AUSTIN

⁵ Permission for admission of Doganis was granted by the United States on November 30.

Editorial Note

Aside from questions relating to the interpretation and application of the Headquarters Agreement, there were recurring problems arising from the nonratification by the United States of the General Convention on Privileges and Immunities of the United Nations. The L/UNA memorandum of May 8 is illustrative of the *laissez-passer* problem, with specific reference to the use of United Nations *laissez-passer* by United States nationals in the employ of the United Nations. The two documents that follow reflect another and continuing problem affecting United Nations officials of United States nationality: this Government's insistence that no category of United States citizens could be exempted from the payment of national income taxes, in this case United States nationals serving in the Secretariat of the United Nations.

IO Files: SD/A/C.5/147

Department of State Position Paper, for the Instruction of the United States Delegation to the General Assembly

RESTRICTED

[WASHINGTON,] September 9, 1950.

TAX EQUALIZATION

THE PROBLEM

In the course of considering the budget estimates or in connection with some other agenda item, it is expected that note will be made of the fact that the United States continues to levy national income taxes on the salaries of United States nationals on the Secretariat despite the action of the United Nations subjecting all Secretariat personnel to United Nations Staff Assessments on their salaries, and despite General Assembly Resolution 239 (III) requesting Member governments to relieve their nationals on the Secretariat from double taxation on their salaries. There may also be discussion as to whether the United Nations should continue to reimburse United States nationals on the Secretariat for the amount of United States income taxes they pay on their salaries. What part should the delegation take in such discussions if they occur, and what should be the United States position on the issue of reimbursement?

RECOMMENDATIONS

1. With regard to Resolution 239 (III) of the Third Session of the General Assembly (1948) asking Member nations to take the necessary action to relieve their nationals of double taxation, the

delegation should indicate that the Congress of the United States has been requested to take such action and that it hopes that Congressional action will be forthcoming early next year.

2. The United States delegation should take no position as to whether the General Assembly should extend beyond 1950 the authorization to reimburse United Nations employees for taxes. The United States delegation should resist any move to impose a special assessment on the United States to cover the cost of reimbursement of United States nationals on the Secretariat. It should insist that replenishment of the Working Capital Fund for advances made therefrom for reimbursement of 1950 taxes, or any appropriation in connection with reimbursement of 1951 taxes, be included in the ordinary financing of the Organization and that funds be provided according to the established scale of contributions.

COMMENT

Staff assessments are a form of internal income tax levied by the United Nations on the salaries of its staff, and the assessment plan is intended to insure that United Nations staff members, irrespective of nationality, will be subject to the same tax regulations insofar as their United Nations salaries are concerned. Proceeds from the assessments (about \$3,500,000 for 1950) are entered in the books as miscellaneous revenue.

The Staff Assessment Plan cannot be said to have succeeded in its purpose until all Member governments have taken action to relieve their nationals on the Secretariat, by exemption or otherwise, from what amounts to double taxation. Resolution 239 (III) requested Member States which had not acceded to the Convention on Privileges and Immunities of the United Nations, or which have acceded to it with reservation as to its Article 18(b), to take the necessary action to exempt their nationals employed by the United Nations from national income taxation with respect to their United Nations salaries and emoluments, or in any other manner grant relief from double taxation to such nationals.

During the past year the Canadian parliament has taken the action requested in this resolution and the United States is the only Member government which has failed to complete action in this regard.

H.R. 5993 and S. 2345, now pending in Congress, would exempt from federal income tax the salaries paid by the United Nations to United States nationals on the Secretariat. The legislation provides that, while this income is not subject to tax, it shall be included in the individual's gross income for the purpose of determining the rate of tax which should apply to any income the person may have from other sources. This was inserted in the bill in order to prevent the individual

from getting a "windfall" by having his non-United Nations income taxed at a lower rate. The United States believes that this legislation, if enacted, would constitute full compliance with the General Assembly Resolution.

For the information of the Delegation, the tax legislation was submitted to Congress late in the first session of the 81st Congress only after it became clear that there would be no action in that session on the Convention on Privileges and Immunities of the United Nations. The legislation has not yet been considered by the House Ways and Means Committee, and since this is a revenue bill which must originate in the House, the Senate Committee will not consider the legislation until after the House has passed it. It had been hoped that the Congress would act on the bills during this second session of the 81st Congress but it now seems clear that there is no possibility that Congressional action will be completed before the Congress adjourns. Every effort will be made to secure Congressional action early in 1951.

PROVISION FOR REIMBURSEMENT

Pending action by the Member governments concerned, the General Assembly has from year to year authorized the Secretary General to reimburse United Nations staff members for national income taxes on their United Nations salaries. At the Fourth Session, a number of delegations expressed their disappointment that the United States had failed to comply with the General Assembly Resolution on taxation and pointed out that the United States default in this matter presented the organization with the unwelcome alternative of either reimbursing the United States national (and thus indirectly contribute approximately \$500,000 for the year to the United States Treasury), or withholding reimbursement and seeing the United States nationals subjected to the penalty of double taxation. In the end, after the United States had reported on the steps this Government had taken during the year in this connection, and after the Secretary General had appeared before the Fifth Committee to make a personal statement, the Fourth General Assembly voted to continue reimbursement for another year.

At the Fifth General Assembly, the issue of reimbursement may arise in connection with (a) a report from the Secretary General on the Staff Assessment Plan, (b) the item to be included in the supplementary appropriations to replenish the Working Capital Fund on account of advances for reimbursements made in 1950, or (c) the draft Working Capital Fund Resolution for 1951 in which at present there is no provision for continued reimbursement. The United States is not in a position to propose continuation of reimbursement even though the consequences of double-taxation will be severe for the

United States nationals on the Secretariat. The United States, therefore, should confine itself to stating that it will continue its efforts to complete the necessary action to comply with General Assembly Resolution 239 (III). If the issue should arise of assigning any special responsibility to the United States for the costs of reimbursing United States nationals, the Delegation should express strongly the conviction that these are general costs of the organization and should be borne by the entire membership in the same manner as other administrative costs.

IO Files: US/A/M (Chr)/170

Minutes of the Thirty-fifth Meeting of the United States Delegation to the General Assembly, New York, November 8, 1950, 9: 15 a. m.

SECRET

[Here follow list of persons present (41) and brief consideration of an item not on the agenda.]

1. *Tax equalization* (SD/A/C.5/147).¹

Mr. Hall, outlining the history of this problem, indicated that the question arose because of the provision in the Privileges and Immunities Convention, which called for exemption of United Nations officials from national income taxes. At the time this convention had been considered, both by the Preparatory Commission and the General Assembly the United States had entered reservations on this point.² In 1946, when the question of fixing the salaries of the officials had come up, this subject had been raised, and we had then proposed that salaries be fixed on a gross basis, subject to national taxes, but had been voted down. When the Assembly learned that the United States would probably tax its nationals, it provided for their temporary reimbursement. In 1947, these tax reimbursement provisions had been extended, and the Secretary-General had been authorized to study the possibility of a scheme for levying staff contributions on officials. We had supported that proposal. In 1948, the Secretary-General presented the plan for a staff contributions system of United Nations officials, with assessments to be levied against their salaries. That plan had been adopted. The General Assembly again had called upon members to ratify the convention on privileges and immunities. Mr. Hall recalled that the Senate had approved the convention with a reservation on the tax provision.³ About the time the House was to consider the matter,

¹ *Supra.*

² For documentation on this matter, see *Foreign Relations*, 1946, vol. 1, pp. 60 ff.

³ For relevant documentation, see *Foreign Relations*, 1948, vol. 1, Part 1, pp. 34 ff.

the Gubitchev case⁴ had arisen, and it was decided that any further consideration at that session was consequently out of the question. In 1949, the Assembly had extended the provisions for tax reimbursement for another year. The United States was now the only state that had not either acceded to the Privileges and Immunities Convention or adopted special legislation exempting its nationals from taxation. Canada had been in the same position, but it had now adopted legislation allowing an offset of the United Nations contribution under the staff assessment plan against national taxation of Canadians employed in the Secretariat.

Mr. Hall raised the question of the position to be taken by the United States in this session of the Assembly. He explained that the Secretary-General would present a supplemental budget estimate of \$1,000,000 to cover the reimbursement of United States nationals in the Secretariat. At that point we could anticipate a great deal of criticism of the United States. Mr. Hall then referred to the recommendations in the position paper, SD/A/C.5/147, which was before the Delegation. In the first instance, the Delegation was to indicate that the Congress had been requested to take the necessary action to relieve US nationals of double taxation and that it hoped that Congressional action would be forthcoming. The second recommendation was that we should take no position as to whether the Assembly should extend beyond 1950 the authorization to reimburse United Nations employees. However, we should resist any move to impose a special United States assessment to cover the cost of reimbursement of the United States nationals on the Secretariat. Mr. Hall noted that this idea had been proposed in the past. He personally believed the General Assembly would extend the reimbursement provisions, but there might be a vote of censure for the United States position in this regard. He did believe that our position might be more difficult this year. However, there was little to do except to indicate to our friends we would present the issue to Congress and to hope that no precipitate action would be taken by the General Assembly.

Senator Cooper said he sympathized with Senator Lodge, who had this problem this year. The Senator said it was one of those things where political realities could not be ignored.

Mrs. Roosevelt asked what the result would be if a special assessment were levied against the United States and adopted by the Assembly. Mr. Hall said this could be done. We would simply have to ask Congress for money to pay the assessment. If we wanted to belong to the organization, we had to pay. The only sanction against

⁴ Documentation on this subject is scheduled for publication in *Foreign Relations*, 1949, volume v.

non-payment was the loss of vote at the end of two years if our arrears exceeded a certain amount, as provided in the Charter. Mr. Popper pointed out that it would take a long time to get behind under the Charter if an assessment of this small amount were involved. Senator Lodge said that the problem would be to explain to the average Congressman why we were the first nation ever to have a special assessment levied against us, particularly since we paid the largest contribution.

Mr. Cohen inquired whether only American nationals were involved. Mr. Hall replied in the affirmative, noting that Canada had been previously involved. Mr. Cohen asked whether there were any danger of a special assessment being levied. In this case, perhaps Assistant Secretary-General Price, on behalf of the American nationals in the Secretariat, could indicate that they did not object to their US taxes. Mr. Hall thought this would not be helpful inasmuch as others would insist that there should be no discrimination among members of the Secretariat. We had tried out that idea once by suggesting that it was a matter of indifference to other people whether Americans paid taxes or not, but we had gotten a violent reaction to that position. Mr. Cohen thought it should be possible to get over the arguments against the special assessment. Certainly the Assembly ought not to go that far because in the end such a move would be self-defeating. Mr. Hall recalled that in 1948, the Fifth Committee had passed such an assessment by a majority of 2. The next day the United States Delegation had been successful in getting the matter reconsidered and defeated. He thought we could defeat such a special assessment on principle again. Mr. Cohen thought it would be well to alert a couple of the important delegations to carry the ball for us in the event such a proposal should be made. We would need some faithful friends to speak on the folly of such a special assessment. Mr. Hall thought such a move could be defeated without any question.

Mr. Ross asked whether Senator Lodge would sit on this item. The Senator replied that he would unless he could find some good excuse for not doing so. Senator Cooper recalled that Secretary-General Lie and the British had come to our defense last year. We were at fault in this matter; we had not had any decision from Congress. He wished it could be gotten over; we were always holding out hopes that something would be done. He wished that Congress could say either yes or no. Senator Sparkman asked whether, assuming Congress came across, it was contemplated that United Nations employees would not be assessed at all. Mr. Hall explained that would not be the case since they were taxed as staff members and at a rate higher than our own since the Canadian scale had been chosen as the basis for the staff assessment plan.

[Here follows discussion of other agenda items.]

III. GENERAL ORGANIZATIONAL QUESTIONS AFFECTING THE UNITED NATIONS AND OF PARTICULAR INTEREST TO THE UNITED STATES

330/3-3050 : Telegram

*The Secretary of State to the United States Representative at the United Nations (Austin)*¹

CONFIDENTIAL

WASHINGTON, March 30, 1950—7 p. m.

142. Event request made for US support for anticipated Brazilian candidacy SC to succeed Cuba, you are authd state US disposed favor Brazil's candidacy but its final position will be determined by extent support Braz obtains from other states. You may point out US position accords with line taken last fall during GA in slates discussions Freitas-Valle² and other delegates that one of two SC seats held by LA shld always go to larger LA state.

Inform Dept soonest if request made.

ACHESON

¹ Repeated to the Embassy in Brazil for information.

² M. C. de Freitas Valle, Secretary-General of the Brazilian Ministry of Foreign Affairs, Chairman of the Brazilian Delegation to the fourth regular session of the General Assembly, September 20-December 10, 1949.

CFM Files : Lot M88, Box 2203

*Draft Position Paper Prepared in the Bureau of United Nations Affairs*¹

SECRET

[WASHINGTON,] April 18, 1950.

APPOINTMENT OF SECRETARY-GENERAL OF THE UNITED NATIONS

THE PROBLEM

Although the United States does not expect the matter to arise, it is possible that the British or French may bring up the question of the appointment of a successor to Trygve Lie as Secretary-General of the United Nations. The problem is to determine the position of the United States.

BACKGROUND

On the recommendation of the Security Council, the General Assembly on 1 February 1946 appointed Mr. Trygve Lie as the first Secretary-General of the United Nations, for a term of office of five

¹ This paper was prepared for the forthcoming May meeting of the Secretary of State with the British and French Foreign Ministers in London. It had not been cleared at this time in other bureaus of the Department. Documentation on the London ministerial meeting is scheduled for publication in volume III

years. Under the General Assembly resolution of 24 January 1946 on the terms of appointment of the Secretary-General (Annex A²) it is necessary to arrange for the extension of Mr. Lie's term for another five years or for the appointment of a successor to Mr. Lie. This should be done not later than the end of the next regular session of the General Assembly. Under Article 97 of the Charter, the Secretary-General is appointed by the General Assembly upon the recommendation of the Security Council. It is clear that such a recommendation is subject to the veto, and that a difficult problem will arise if all permanent members of the Security Council cannot agree on the nomination of any candidate. For this reason, preliminary consultations among the five permanent members will be necessary.

RECOMMENDATION

In the event that this subject is raised either by Mr. Schuman or Mr. Bevin³ or both, it is recommended that the following points be given to them as the preliminary views of this government:

(a) In our view the appointment of the Secretary-General, including the renewal of the incumbent's appointment for a regular five-year term, clearly requires a simple majority vote of the General Assembly upon the recommendation of the Security Council concurred in by the five permanent members (by affirmative vote or through abstention).

(b) This Government believes that preliminary consultations, in the first instance with France and the United Kingdom, and thereafter with the other two permanent members of the Security Council, are desirable.

(c) We are at present inclined to favor a renewal of Mr. Lie's term for a further five-year period on the ground that it now appears that he is the only candidate upon whom the agreement of the permanent members is possible and that his administration, despite certain shortcomings, has been generally satisfactory.

(d) Nevertheless this Government stands willing to consider any other candidates who may be proposed, taking into account their ability and possible acceptability to the permanent members. Moreover, it may be desirable, for tactical reasons, for the consultations among the five permanent members to take place upon the basis of a list of candidates including Mr. Lie; in this case the United States may wish to propose additional candidates for consideration.

(e) In the event that the Security Council fails to make an affirmative recommendation of a candidate by reason of the exercise of the veto or the failure to obtain seven affirmative votes, we believe that the General Assembly would be empowered to keep the office of the Secretary-General filled by the adoption of a simple resolution continuing the incumbent in office until such time as formal action of appointment or renewal of appointment becomes possible.

² Annex not printed.

³ Robert Schuman, French Minister of Foreign Affairs, and Ernest Bevin, British Secretary of State for Foreign Affairs.

(f) We would hope that at the outset France, the United Kingdom and the United States could reach agreement, first, on the selection of Mr. Lie, and second, on subsequent procedure and tactics.

(g) If this can be done, we feel that Mr. Lie is entitled to be confidentially informed of the results of these discussions and the basis upon which consultations among the five permanent members would be held. He should also be advised of the contemplated procedure in the event the Security Council is unable to agree and urged as a matter of public duty to acquiesce in the procedure described in paragraph (e) above.⁴

⁴ The views set forth here were stated somewhat more briefly in a memorandum to President Truman, in anticipation that the question might arise when the Secretary-General was to call on the President on April 20 prior to Lie's departure for an official visit to Europe. In the memorandum it was recommended to President Truman, that

"... if the subject does come up, Mr. Lie be assured that we appreciate the difficulties under which he has worked and the job which he has done. . . . That, without committing the United States to support him Mr. Lie be urged as a matter of public duty not to foreclose the possibility that he might be drafted by loyal members of the United Nations to continue in office." (330/4-1750)

The subject did not arise, however.

330/4-2750

*Memorandum of Conversation, by the Under Secretary of State
(Webb)*

CONFIDENTIAL

[WASHINGTON,] April 27, 1950.

Participants: H. E. Feridun C. Erkin, Ambassador of Turkey
The Under Secretary
Mr. Robert C. Moore—GTI
Mr. David H. Popper—UNP

The Turkish Ambassador informed me that Turkey intended to be a candidate for the Security Council at the September, 1950 General Assembly, running as a Middle Eastern state to succeed Egypt. The Ambassador sought the support of the United States and asked that the necessary instructions be given to the United States Delegation at the United Nations. He also stated that Turkey was informing the Latin American states of its candidacy and would appreciate United States assistance in enlisting their support.

I gave the Ambassador an official assurance of US support for Turkey's candidacy. I said, however, that I would wish to consult with experts in the Department as regards the timing of action which this Government might take to make known its support for the Turks.

The Ambassador expressed the appreciation of his Government for the assurance of the United States support.

J[AMES E.] W[EBB]

320/4-2550 : Telegram

*The Secretary of State to the United States Representative at the United Nations (Austin)*¹

CONFIDENTIAL

WASHINGTON, April 29, 1950—6 p. m.

184. Dept has been approached informally by Iranian Emb in behalf Entezam's² candidacy for Pres 5th GA. Dept regards Entezam as highly qualified and believes Near East has strong claim on post since this area has never held GA Presidency. Accordingly, US presently disposed support his candidacy.

However, before making commitment, Dept wishes to know preliminary views Fr and Brit Reps this matter, including possibility other candidates, and also to have Romulo's³ reaction since it seems likely that when Entezam withdrew his candidacy for Presidency 4th GA in favor of Romulo, some understanding re future may have been reached.

Ascertain views these reps toward Entezam's candidacy. Dept wld also appreciate USUN's views, including timing of commitment to Entezam.

ACHESON

¹ Repeated for information only to the United States Embassies in Iran, the United Kingdom, France, and Canada.

² Nasrollah Entezam, Iranian Ambassador to the United States.

³ Brig. Gen. Carlos P. Romulo, Permanent Representative of the Philippines at the United Nations. He was president of the fourth session of the General Assembly.

315.2/5-550 : Telegram

The Secretary of State to the Embassy in the United Kingdom

CONFIDENTIAL

PRIORITY

WASHINGTON, May 5, 1950—6 p. m.

2109. Issue of US contribution percentage WHO, UNESCO, FAO, ILO, ICAO will be raised these orgs next few weeks. In view recent experiences Congress, Dept considers imperative US take firm stand against intense pressure increase present percentages. Particularly concerned possibility US be forced up where relatively low (ICAO—18.27; ILO—22; FAO—27.10) without gaining substantial decreases where still above our 33⅓% UN goal (UN 39.79; UNESCO 37.82; WHO 36). US will drive for further reductions forthcoming WHO Assembly Geneva May 8, UNESCO Conf Florence May 22 but anticipates major difficulties. At same time, US percentage now under strong attack FAO Spec Comite studying FAO scale report FAO Conf this fall. Same true respect ILO Allocations Comite Geneva May 29, governing Body Geneva June 2. ICAO Assembly May 30 will consider proposed new scale assigning US larger share. Negotiating position US worsened by GA Res 311-B last Nov, opposed by US, France but

passed 38-2-7. Preamble of Res states "Believing there is room for closer relation assessments member states UN and Specialized Agencies; Recognizing, that, to extent contrihs Specialized Agencies assessed accord principles similar those UN are based, desirable same data be utilized assess these contrihs". While Res ambiguous, experience to date in Specialized Agencies makes clear other governments will attempt use Res as unqualified support idea higher percentage assessments US. Dept believes vigorous representations to certain govts members UN and Specialized Agencies concerned essential this time convey seriousness with which US views possibility having its views contrib scales overridden one org after another. Issue US percentage contrihs receiving concerted attn Congressional Comites Appropriations, Expenditures, FonAffs. House Appropriations Comite report on 1951 appropriation (HR 7786) says, "Every effort must be made reduce unusually high percentage contrihs which too many instances this country called make. Should be reduced just quickly as econ conditions other member countries make possible their assuming more equitable share cost. Comite will examine carefully Depts submission this item next year determine accomplishments". Request you approach FonOff soonest along following lines:

(1) US most seriously concerned pressure other member govts increase US contrib percentage FAO, ILO, ICAO when same govts for most part exhibit little concern that US contrib percentage UN has moved downward only token amount toward 33 $\frac{1}{3}$ percent and no assurance substantial downward adjustments forthcoming this year WHO, UNESCO.

(2) Whatever interpretation place on UN Res, US considers imperative any upward movement in ICAO, FAO, ILO be gradual and directly related downward revision US percentages UN, WHO, UNESCO.

(3) US particularly concerned reduction US share UN thus far only one-tenth one percent. In opinion US more active effort other members UN to accomplish 33 $\frac{1}{3}$ percent ceiling that org would contrib tremendously solution problem other agencies.

(4) US considers fol pattern of related adjustments 1951 scales (to be negotiated 1950) reasonable and necessary if US contrib percentages to be raised either ILO, ICAO at this time. US strongly hopes govt to which you accredited see fit communicate these views its reps each org and lend support in these agencies:

a. In WHO, US will not attempt at this time secure greater reduction than from present 36 to 35 percent.

b. In UNESCO, US will not attempt secure greater reduction than from present 37.82 to 35 percent. Assessments new members shld permit this adjustment with little or no added burden other members.

c. In FAO, US percentage shld remain constant. Move to Rome this agency with consequent reduction need for dol contrihs means members in better position than previously.

d. Provided above US proposals accepted and subj to Congressional action raising dol ceilings on US contribs ILO necessary for practical implementation, US will not object increase US percentage share ILO from 22 to 25 percent and ICAO from 18.26 to 20 percent.

e. With respect UN, US will propose such further reductions US share as justified light report Contribs Comite to next GA, light any additional membership, light any increase percentage shares members now patently underassessed, particular reference Sov states.

(5) Position US toward adjustments after 1950 contingent upon experience UN and these Specialized Agencies this year. Until UN makes substantial progress reduce US share, US considers no justification increase present US share FAO, or share ILO above present FAO level, or ICAO above 25 percent.

(6) US fully recognizes and supports authority UN and each Specialized Agency determine own scale and has no wish prejudice professional character deliberations their contribs comites. However, Dept considers essential other members understand realistic US position. US may find it difficult continue support large scale spec programs involving exceptional US percentage shares as in past unless US percentage shares regular budgets at reasonable levels.¹

Important you do everything possible enlist UK support for US position. Request you report reception this approach soonest. For urinfo, UK has been among govts who have not indicated appreciation US position in past. ILO is exception. UK has taken reasonable position that org.

ACHESON

¹ Repeated to United States diplomatic missions in Australia, Canada, Belgium, the Netherlands, France, Mexico, Brazil, India, Egypt, and Syria. In each instance an individual last paragraph was inserted here, containing brief information and/or instruction regarding the position of the local government on the question of contributions percentages. In particular, it was indicated whether the concerned government or its spokesmen in the specialized agencies had favored increases in the United States percentages or whether it had shown sympathy or support for the United States position.

320/5-950 : Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

SECRET

LONDON, May 9, 1950—6 p. m.

2527. Parrott¹ indicated Foreign Office has learned unofficially through Hector McNeil² that Zafrullah Khan³ intends to stand as

¹ Cecil C. Parrott, head of the United Nations (Political) Department, British Foreign Office.

² British Minister of State (Foreign Office), member of the British Delegation to the fourth and earlier regular sessions of the General Assembly.

³ Sir Muhammad Zafrullah Khan, Pakistani Minister of Foreign Affairs and Commonwealth Relations.

President Fifth GA. UK feels obligated to vote for Zafrullah as he had been UK candidate for President Fourth GA and stood down for Romulo.

Parrott also stated that as Pakistan has felt badly treated in UN election, Zafrullah would be a good thing. He added both Zafrullah and Entezam regarded as excellent candidates but that UK would feel bound to vote for Zafrullah in light of previous events.

Foreign Office would be interested in Department's latest thinking.

DOUGLAS

320/5-1050 : Telegram

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

CONFIDENTIAL

NEW YORK, May 10, 1950—7 p. m.

414. Reurtel 184, April 25 [29]. USUN has informally discussed slates matter for 5th GA separately with Romulo, the British and the French, without indicating whom we might be supporting for presidency. Romulo said he had heard of only two likely candidates, Entezam (Iran) and Padilla Nervo (Mexico).¹ He had received some idea that the Latin American States may covet presidency again this year but he seemed to feel Entezam deserved consideration. He had made no trouble with candidacy last year and the Near East had never had a president. Padilla Nervo had told Romulo LAS would not vote for Entezam since they considered NE as part of Asia which, in their view, had furnished last two presidents. Romulo thought however that LAS would be "reasonable" if good cause were shown them why Entezam should be chosen.

Campbell (UK)² said it was too early to be thinking of GA. He had heard Terence Shone³ voice this sentiment. Embassy London, however, now advises Department UK⁴ will support Zafrulla (London's No. 2527, May 9).⁵

Ordonneau (France)⁶ said that while his Government has not formally made its decision it is pretty certain it will support Entezam: NE had never had president, Entezam is good man and had candidacy already last year.

¹ Luis Padilla Nervo, Permanent Representative of Mexico at the United Nations.

² G. T. C. Campbell, Second Secretary in the Permanent Delegation of the United Kingdom at the United Nations.

³ Sir Terence Shone, Deputy British Representative at the United Nations.

⁴ Perhaps a reference to the British Foreign Office.

⁵ Not printed.

⁶ Pierre Ordonneau, Alternate French Representative on the Security Council.

Both Ordonneau and Romulo, when asked whether other persons such as Pearson (Canada)⁷ and Malik (Lebanon)⁸ might be in the running, said that Pearson would of course be excellent. Ordonneau said Pearson some time back indicated he might like presidency one of these days.

USUN feels it early to take any commitment, especially regarding Entezam in view of somewhat uncertain and delicate situation of Iran and probable availability Pearson. Entezam is probably leading candidate at present and unless LAS decide as a bloc to support either Padilla Nervo or Santa Cruz (Chile),⁹ whose name has also been mentioned by one or two colleagues, he will probably have best chance for election, again reserving question Pearson candidacy. UN Secretariat week ago indicated some slight worry regarding Entezam in view Iran's delicate position (our tel 395, May 3).¹⁰

AUSTIN

⁷ Lester B. Pearson, Canadian Secretary of State for External Affairs.

⁸ Charles Malik, Minister of Lebanon to the United States.

⁹ Hernán Santa Cruz Barcelo, Permanent Representative of Chile to the United Nations.

¹⁰ Not printed in this volume; documentation on Iran is scheduled for publication in volume v.

320/5-950: Telegram

*The Acting Secretary of State to the Embassy in the
United Kingdom*¹

SECRET

WASHINGTON, May 13, 1950—1 p. m.

2279. Urtel 2527, May 9. In talk with Brit Emb Reprs May 11 Dept pointed out that while it regarded Zafrullah as excellently qualified candidate for Presidency GA, it understood Entezam of Iran, who stood down for Romulo last year, might have considerable support in this year's election. Dept told Brit Emb Reprs informally it favored suggesting to GOP and Iran Govt they endeavor agree between selves which candidate shld stand for election. Shld both Entezam and Zafrullah stand for election, result might be election of candidate from some other region. Since Dept prefers not to support either of these candidates against the other it hopes there may be a possibility that GOP and Iran Govt may come to amicable agreement. Since both candidates from same region, Dept believes it unlikely that if one were elected GA Pres other cld be elected Chairman First Comite.

Dept's prelim thinking had tended toward support Entezam (Iran), because his ability, experience, fact GA has never had Middle Eastern

¹ Repeated to the Embassy in Pakistan as 338 and to the Embassy in Iran as 567.

Pres, and his willingness stand aside for Romulo at Fourth GA. Informal discussions USUN with other UN Dels disclose Entezam most frequently mentioned candidate, other possibilities a Latin American (Padilla Nervo or Santa Cruz) and Pearson. Iran Emb has asked Dept support Entezam, and Ikramullah has asked us support Zafrullah but no commitment given.

Dept intends discuss matter with Ikramullah when he returns Washington May 24 and with Iran Emb Reprs.

WEBB

320/5-2250

Memorandum of Conversation, by the Assistant Secretary of State for United Nations Affairs (Hickerson)

CONFIDENTIAL

[WASHINGTON,] May 22, 1950.

Participants: Mr. John D. Hickerson, UNA
Mr. G. A. Aram, Iranian Chargé d'Affaires
Mr. Halla, GTI
Mr. Popper, UNP

The Iranian Chargé, calling at his request, briefly reviewed the current situation as regards the candidacy of Mr. Entezam for the General Assembly presidency. He pointed out that his Government was eager to have the honor of the presidency and greatly desired United States support.

Mr. Hickerson expressed his great admiration for the ability shown by Mr. Entezam in the *ad hoc* political committee of the Fourth General Assembly, where Mr. Hickerson had represented the United States in the discussions on atomic energy and conventional armaments. He knew, too, that the United States Delegation as a whole had had the highest regard for Mr. Entezam's qualifications. But the news of Sir Zafrullah Khan's candidacy had placed us in a difficult position. Both he and Mr. Entezam were *personae gratissimae* as far as we were concerned, and we should be delighted to see either of them elected. We felt that the presidency of the Assembly should go this year to a candidate from the Middle Eastern area since it is the only great regional group from which no candidate had been elected. We did not believe that we should be forced to make a choice between the two candidates. Moreover, it was essential that Iran and Pakistan reach agreement between themselves, for if they did not do so and if both candidates should run, a Latin American would probably get the job.

Mr. Aram repeated his hope for United States support for Mr. Entezam, making two particular points. First, he recalled that Mr.

Entezam had yielded his own candidacy in favor of General Romulo at the last Assembly and thus had a certain priority in regard to support from other members. Second, Mr. Aram feared that the United Kingdom would naturally be impelled to support the candidacy of a member of the Commonwealth and might perhaps swing the Commonwealth bloc behind Zafrullah. Unfortunately, Iran had no such bloc to which to turn, so that United States support was most important.

Mr. Hickerson commented that, before the last Assembly, the Canadians had indicated they were thinking of supporting Zafrullah so that his name had been mentioned last year. He again expressed our view that Iran and Pakistan must settle this matter between themselves. Mr. Aram stated that he would cable his Government and that it would take the matter up with Pakistan.

J[OHN] D. H[ICKERSON]

IO Files¹: US/A/2313

*Minutes of Meeting of the United Nations Liaison Committee,²
Washington, Department of State, May 29, 1950*

CONFIDENTIAL

Present: Mr. Popper, Chairman—UNP	Mr. Howard—NEA ⁶
Mr. Gerig ³ —UND	Mr. Wilson—AR ⁷
Mr. Allen ⁴ —EUR	Miss Bell—UNE ⁸
Miss McNutt ⁵ —FE	Miss Gough—UNP ⁹

1. *Security Council Slate*

Noting that two of the three places on the slate were firm (Brazil to replace Cuba and Turkey to replace Egypt), the Chairman asked for the views of the Team on the Danish candidacy for the Norwegian

¹ Short title for the master files of the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

² The United Nations Liaison Committee (UNLC) was a Departmental committee made up of representatives of the Bureau of United Nations Affairs (UNA), the geographic bureaus, and such other bureaus and offices as appropriate in the circumstances. Organized in 1946, the primary function of UNLC by 1950 had become that of making a preliminary selection at the working level of the Department of U.S. "slates" of candidates for election to the various United Nations organs, committees, and commissions.

³ O. Benjamin Gerig, Director of the Office of Dependent Area Affairs.

⁴ Ward P. Allen, Special Assistant on United Nations Affairs, Bureau of European Affairs.

⁵ Louise McNutt, Special Assistant on United Nations Affairs, Bureau of Far Eastern Affairs.

⁶ Harry N. Howard, United Nations Adviser, Bureau of Near Eastern, South Asian, and African Affairs.

⁷ Probably Simon N. Wilson, assistant to John C. Dreier, Director of the Office of American Regional Affairs.

⁸ Mary Kathleen Bell of the Office of United Nations Economic and Social Affairs.

⁹ Betty Catherine Gough of the Office of United Nations Political and Security Affairs.

seat. The British had indicated that they favored the Danish candidacy and had requested the Department's views. The British had also referred to an earlier conversation with Mr. Raynor quoting him as stating that there was a "gentlemen's agreement" that the Scandinavian and Benelux countries would rotate the Western European seat between them, had indicated that the Foreign Office was not aware of such an agreement, and had requested further information. Mr. Allen said that he had not been able to find any indication in the files that such an agreement existed but that the matter would be checked further when Mr. Raynor returned. EUR felt that Denmark might be inclined to dodge issues and would not be as strong a member of the SC as Norway had been but that if it was the European candidate we should go along. After some discussion, it was agreed that Mr. Raynor should indicate to the British that we did not feel that Denmark would be a strong member of the Council but that in the absence of other candidates in the Western European area, we would support its candidacy.

2. *Slate for the TC*

The Team agreed that unless another Latin American candidate emerged we would support the Dominican Republic to succeed itself but that for the time being we would not indicate our support to the Dominican Republic. Mr. Wilson would check to see whether the Dominican Republic had, as it claimed, the support of most of the Latin American states.

With respect to the Philippine seat, the Team considered re-election of that state and its replacement by Thailand, Burma, India or Pakistan. It was agreed that in general states should not be re-elected to the Council. The Dominican Republic would not actually be re-elected because it was serving the unexpired term of Costa Rica. It was pointed out that the Philippines would not be deprived of a platform as spokesman for the non-colonial states since it was a member of the Special Article 73(e) Committee for two more years. Miss McNutt stated that FE felt that if we did not support re-election of the Philippines to the TC, it would be necessary to support its candidacy for ECOSOC. The Team agreed to eliminate India and Burma from the possible slate, India because it was presently a member of the SC and ECOSOC and Burma because it did not send strong representatives to UN meetings. The Team agreed tentatively, subject to FE reservation, to slate Thailand or Pakistan to succeed the Philippines.

3. *Slate for the ECOSOC*

It was agreed that we would support the re-election of the UK and the USSR. It was also tentatively agreed that since the Common-

wealth had five seats on the Council and the Arab League was not represented, we would support the election of Egypt to replace Australia. The Team then considered whether an Eastern European state should replace Poland or whether a state from another area should have the Polish seat. It was pointed out that if the Polish seat were retained for Eastern Europe it might be necessary to choose between the Philippines and Sweden for the Danish seat. Sweden would be a valuable member of the Council and yet it would be difficult not to support the Philippines. It was agreed that the Team would consider further the following three candidates for the Polish and Danish seats: Sweden, the Philippines and a satellite.

See attached paper for the status of the Council slates.

[Attachment]

COUNCIL SLATES

SECURITY COUNCIL

Retiring Members

Cuba
Egypt
Norway

Slate

Brazil
Turkey
[Denmark]¹⁰

TRUSTEESHIP COUNCIL

Retiring Members

Dominican Republic
Philippines

Slate

[Dominican Republic]
[Thailand or Pakistan]

ECONOMIC AND SOCIAL COUNCIL

Retiring Members

Australia
Brazil
USSR
UK
Denmark }
Poland }

Slate

Egypt
Uruguay
USSR
UK
[Sweden, the
Philippines, satellite]

¹⁰ Brackets within the document appear in the source text.

310.5/6-150: Telegram

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

SECRET

WASHINGTON, June 1, 1950—7 p. m.

287. 1. In view FonMin's agreement at London that Dels in NY shld discuss question whether there is any realistic and desirable alternative to Trygve Lie as SYG, Dept suggests you initiate talks with UK and Fr Dels this subject on basic position taken in document FM D F-5 (Apr 18).¹

¹ See the draft position paper prepared in the Bureau of United Nations Affairs, April 18, p. 87.

2. Dept has noted alternative procedure suggested by Gross in letter to Hickerson May 3² in event of deadlock among Big Five. It is suggested that final determination re method of procedure in that event await result of consultations in NY on FonMins' question.³

ACHESON

² Not found in Department of State files.

³ A September meeting of the three ministers in New York was projected for the week preceding the opening of the General Assembly.

IO Files: US/A/2325, US/S/1244

Memorandum of Conversation, by the Deputy United States Representative on the Security Council (Ross)

SECRET

[NEW YORK,] June 13, 1950.

Participants: Ambassador Jean Chauvel—French Delegation
Mr. Francis Lacoste—French Delegation
Ambassador Warren R. Austin—USUN
Mr. John C. Ross—USUN

Pursuant to Deptel 287 of June 1, Ambassador Austin called on Ambassador Chauvel¹ to discuss the question of the United Nations Secretary-General.

Introducing the subject Ambassador Austin said that he thought the most desirable course would be to get agreement among the five permanent members of the Security Council on a candidate. With this in mind we wanted to talk with the French Delegation, thereafter with the United Kingdom Delegation, and thereafter, depending on circumstances, with the Russian and Chinese Delegations. If agreement among the five permanent members on a candidate should not be possible, it would be necessary to consider some other course. We did not want to take any fixed position in the matter except on the basis of consultation with our French and British colleagues.

Saying that he was speaking personally and not for his Government, Ambassador Austin went on to say that he would favor trying to get agreement on Trygve Lie since it seemed likely that he would be the only candidate the Russians would agree to. He had the impression that the Russians would be for Lie. On the other hand, he went on, although it was possible that Tsiang² might abstain, he thought the Chinese would be against Lie. In this connection Ambassador Austin read USUN's unclassified report on Tsiang's press conference of May 31, in which Tsiang in effect denounced Lie.

¹ Jean Chauvel, Permanent Representative of France at the United Nations. Mr. Lacoste was Deputy French Representative.

² Tingfu F. Tsiang, Permanent Representative of China at the United Nations.

If it were not possible to get agreement among the permanent members of the Council, Ambassador Austin thought that we should have to find some device to extend the term of Lie. This device might involve modification of the General Assembly resolution of 1946 which would not go against Tsiang.

Chauvel said that when he was in Paris last week he had discussed this matter not with Schumann or other members of the government but with Broustra.³ Chauvel said that in a conversation with Lie two or three weeks ago Lie had indicated that there was no urgency about this matter in terms of the Council having to deal with it before the General Assembly but that the matter might be held over until sometime during the Assembly. Chauvel had reported this conversation. He said the French were inclined to think that Lie was the only candidate acceptable to the Russians. . . . They looked on the matter as one of expediency and in this sense Broustra had suggested something along the lines of Ambassador Austin's suggestion, that is, that an arrangement might be made for an extension of Mr. Lie's term for a period of say one year. Lacoste observed that this might not be acceptable to Mr. Lie who, in Lacoste's view on the basis of statements Lie had made in Paris and London, had an aggressive take-it-or-leave-it attitude toward the Secretary-Generalship. We all felt, however, that this was a matter which could be determined by asking Mr. Lie in due course. Chauvel went on to say that considered as a matter of expediency a good deal would depend on whether the Russians were in or out of the General Assembly. If the Russians were in the General Assembly, Lie was probably the only candidate they would accept. If the Russians were out of the General Assembly, our attitude would depend on whether we hoped they would return, in which case it would probably be best to support Lie, since he is the only candidate the Russians have ever voted for. If, on the other hand, we hoped or expected that the Russians were out of the United Nations for good, then we should probably choose another candidate.

I asked Chauvel if any other names had been mentioned in his conversations in Paris. He said that he himself had mentioned the names of Torres Bodet⁴ and Padilla Nervo only because he had heard those names mentioned in New York before going to Paris.

Chauvel then raised the question of membership. He said he had mentioned this question in Paris as one that would be coming up normally under Security Council rules in August and in regard to

³ Vincent Broustra, "Chargé du Secrétariat des Conférences" (United Nations affairs), French Foreign Ministry.

⁴ Jaime Torres Bodet, Mexico, Director General of the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

which the French Delegation would need instructions in due course. Chauvel said that his Government had no fixed view on this question as yet. It was recognized, however, as a difficult one. On the one hand if it were contemplated to take in the applicants as a group, such action would be contrary to our past positions and also contrary to the opinion of the Court. If on the other hand we considered taking in the applicants on a one-by-one basis, such applicants as Hungary and Rumania, Chauvel said, his people felt simply did not meet the qualifications under the Charter. Ambassador Austin said that he personally shared the view that the satellites could not meet Charter qualifications. He said that the matter was under study in the Department and we would of course let Ambassador Chauvel know whenever we had any views to pass on.

I observed that although the Security Council rules provided that the membership question should come up in August, I was under the impression that there was some flexibility in the rules on this point.

JOHN C. ROSS

IO Files : US/A/2333, US/1248

*Memorandum of Conversation, by the Deputy United States
Representative on the Security Council (Ross)*

SECRET

[NEW YORK,] June 14, 1950.

Participants: Sir Alexander Cadogan—United Kingdom Delegation
Sir Terence Shone—United Kingdom Delegation
Mr. D. S. Laskey—United Kingdom Delegation
Ambassador Ernest A. Gross—USUN
Mr. John C. Ross—USUN

We called on Sir Alexander¹ by appointment pursuant to Department's telegram No. 287 of June 1. Ambassador Gross outlined the Department's views on the question of selection of a Secretary-General this Fall along the lines set forth in the Foreign Ministers' Paper (FM D F-5 of April 19) on this subject.

Sir Alexander said that he had had no instruction on the subject except a rather vague one of a fortnight ago suggesting that in due course the matter be discussed with his American and French col-

¹ Sir Alexander Cadogan was Permanent Representative of the United Kingdom at the United Nations.

leagues along the following lines: (a) whether anyone other than Lie would be available, (b) whether Lie would have to be kept on, and (c) in this event whether some arrangement should be made to continue him for a year or two.

The British apparently did not have at this time anyone other than Lie in mind although Cadogan speculated about Pearson of Canada² who was, Cadogan recalled, our first candidate in 1946.

Cadogan said that he would ask immediately for instructions. He said also that he would probably be seeing Jebb in London and that Jebb may have some ideas when he arrives in New York. Cadogan seemed to feel that there was no hurry about the matter which possibly might not be taken up until rather late in the Assembly session in view of the fact, he said, that in any event Lie's term runs on until February. Cadogan understood very clearly the difficulties that might arise because of the Chinese and Russian situations in the Security Council and he did not seem averse to a procedure whereby the Assembly might have to act although we did not discuss these procedural points in detail.

Before we left Cadogan's office he raised with us the question of the Security Council Presidency in August. He said that in the event the Russians have not returned to the Security Council by the month of August, which was their month for the Presidency, he assumed that if there should be any occasion for a meeting of the Council there would be no objection to the United Kingdom Representative (the United Kingdom being next in alphabetical order) taking the chair of the Council without in any way impairing the right of the United Kingdom to occupy the chair during its regular month, namely, September. Cadogan thought that perhaps all that would be necessary would be an informal understanding with other members of the Council that in the event of Russian failure to occupy the chair in August, the United Kingdom Representative would take the chair and that this would not impair their situation in September.

We indicated that we thought there should be no difficulty in this regard, that in effect the United Kingdom would not be in the Presidency for the month of August but merely serving in this capacity at any meeting or meetings as occasion might require. We said that we would, however, consider this question a little more carefully and let the British know our view.³

JOHN C. ROSS

² Lester B. Pearson, Canadian Secretary of State for External Affairs.

³ The question was rendered academic by the return of the Soviet Representative to the Security Council on August 1.

315.2/7-650

*Memorandum of Conversation, by the Assistant Secretary of State for
United Nations Affairs (Hickerson)*

CONFIDENTIAL

[WASHINGTON,] July 6, 1950.

Participants: Assistant Secretary Hickerson
Mr. James M. Plimsol, Australian Embassy
Mr. David W. McNicol, Australian Embassy
Mr. James F. Anderson, UNI

While Messrs. Plimsol and McNicol were visiting me on another matter, on July 5, I took the occasion to impress upon them the seriousness with which we view the question of the United States percentage share of the budgets of the various international organizations. Mr. Anderson described the approach which had been made to the Government of Australia and other governments concerning the United States position on this matter and stressed the fact that the United States share of the FAO budget was a key point in our policy of resisting increases in the United States share until significant decreases had been obtained in other agencies. I pointed out that it was unlikely that we would be able to obtain a decrease in our rate in the United Nations this year and that I felt that until such a decrease was possible that any increases in the other agencies would have very disastrous results in our Congressional relations. Describing my recent experience before the Senate Appropriations Committee, I said that I personally felt that 33 $\frac{1}{3}$ % was too high a percentage for the United States to pay in normal times and if and when the time came when the dollar shortage had been alleviated and the economic situation further improved, I felt that the United States should seek to have the percentage ceiling at a lower figure. I said that until that time we could not agree to a general level for all agencies at 33 $\frac{1}{3}$ %, pointing out the low rates which we pay in ICAO, ILO, ITU and UPU. Mr. Anderson discussed the matter further with them, pointing out that this was a matter of principle rather than actual money involved, this being highlighted by the fact that the United States Point IV contribution to FAO was twice the amount of the United States contribution and practically as much as the entire FAO regular budget. He pointed out that we seriously felt that there was some danger of Congress appropriating less than the amount assessed the United States if they felt that the United States had been taken advantage of by the Organization unduly raising the United States percentage. In this respect, he stressed the importance of the fact that such action immediately after the ceiling legislation was passed would leave a very sour taste in the

mouth of Congress in respect to FAO and international organizations generally.¹ Mr. Plimsol said that he felt that 331⅓% was a very proper rate for the United States to pay, but he appreciated our internal situation and he would cable his foreign office explaining the situation and asking for further instructions.

JOHN D. HICKERSON

¹ The so-called United Nations ceiling legislation had a legislative history extending into September, when it was enacted into law on September 21 in a joint resolution "... to amend certain laws providing for membership and participation by the United States in certain international organizations" (64 Stat. 902). The limitations imposed were dollar limitations; in fact, the amounts were increased.

310.2/7-1350

Memorandum of Conversation, by the Assistant Secretary of State for United Nations Affairs (Hickerson)

CONFIDENTIAL

[WASHINGTON,] July 13, 1950.

Participants: Ambassador Tarchiani (Italy)
Assistant Secretary Hickerson
Mr. Greene (WE)
Mr. Wells (UNP)

Ambassador Tarchiani referred to renewed discussion in the press of Mr. Hoover's¹ plan for reorganizing the United Nations without the USSR, and remarked that the present non-participation of that country and its satellites in United Nations activities led him to inquire regarding the views of the United States on what action might be taken with regard to pending membership applications if such non-participation were to be greatly prolonged.

I told him that the United States did not regard the Hoover proposals as satisfactory to meet the present situation. I said that with respect to the question of pending membership applications we expected that the forthcoming fifth session of the General Assembly would be the scene of developments which would throw considerable light on Soviet intentions. It was still too early to take a final stand on the membership question and the Department had accordingly not yet made up its mind. There were reasons, however, to believe that the USSR did not intend to abandon the United Nations. Malik had cancelled his vacation plans and would remain at Lake Success. In addition, as the term of service on the UN Secretariat of certain Soviet nationals expired, the USSR was naming others to replace them.

¹ Former President Herbert Hoover.

In response to Ambassador Tarchiani's query, I remarked that we had not the slightest doubt of the Security Council's legal competence to act on a membership application in the absence of a permanent member. We did not believe, however, that it would at present be politically wise to bring before the Security Council for consideration membership applications which had already been vetoed.

J[OHN] D. H[ICKERSON]

330/8-150

Memorandum of Conversation, by Mr. Howard Meyers of the Office of United Nations Political and Security Affairs

CONFIDENTIAL

[WASHINGTON,] August 1, 1950.

Participants: Jonkheer O. Reuchlin, Chargé d'Affaires—Netherlands
Baron C. W. Van Bootzelaer, Second Secretary—Embassy
UNA: Mr. Hickerson
WE: Mr. Winfree
PSA: Mr. Coerr
UNP: Mr. Stein, Mr. Meyers

1. After delivering the Department's oral answer to a Netherlands Government Note and oral request involving U.S. action in various Indonesian problems, Mr. Hickerson told Jonkheer Reuchlin that he would use the opportunity to speak to Mr. Reuchlin on another matter. Mr. Hickerson said that, in view of the fact that the Danish problem had been solved (by withdrawal of their candidacy), the United States Government would be delighted to support the Netherlands Government for membership on the Security Council.

2. Jonkheer Reuchlin expressed his gratitude for this information.

Under Secretary's Meetings: Lot 53 D 250, Box 1

Document Prepared in the Bureau of United Nations Affairs

SECRET

[WASHINGTON, August 7, 1950.]

BACKGROUND MEMORANDUM ON EASTERN EUROPEAN REPRESENTATION
ON THE ECONOMIC AND SOCIAL COUNCIL

BACKGROUND

1. At the present time the membership of the Economic and Social Council includes the five major powers; four Latin American states (Brazil, Chile, Mexico, Peru); two Western European states (Bel-

gium, Denmark); two Eastern European states (Czechoslovakia, Poland); four British Commonwealth states (Australia, Canada, India, Pakistan); and one Near Eastern state (Iran, if Pakistan and India are counted with the Commonwealth). [See Annex for present membership of ECOSOC.¹]

2. The terms of Australia, Brazil, Denmark, Poland, the USSR and the United Kingdom expire December 31, 1950.

a. In line with the general agreement that the five major powers should be continuously represented on the Council, we intend to support the USSR and the UK for re-election.

b. We are further committed to support Uruguay (to succeed Brazil) and the Philippines (to succeed Australia).

c. We have not decided whom to support for the two seats to be vacated by Denmark and Poland. Sweden and Egypt are announced candidates, and it is assumed that the Soviet bloc will put forward an Eastern European candidate to succeed Poland.

THE PROBLEM

It is necessary to decide whether an Eastern European state should be supported at the expense of one of the other candidates (Egypt and Sweden) for the two remaining seats, or whether it is preferable not to support a satellite this year, thus reducing Communist representation on ECOSOC to the USSR and one other (now Czechoslovakia).

RECOMMENDATIONS

1. It is recommended that, if other friendly Delegations agree that such a course is desirable, we should not support the election of an Eastern European candidate to succeed Poland.

2. We should immediately approach the British, French and Canadians on this subject to get their reaction.

3. If the reaction indicates that we will not cause serious disunity and an election deadlock, such as that which occurred when we supported India instead of the Ukrainian SSR in 1947,² we should proceed on the assumption that our votes will be cast for Egypt and Sweden.

DISCUSSION

1. For political reasons, agreements regarding the distribution of Council seats were made at London in 1946 which gave the Soviet bloc of six states (USSR, Byelorussia, Czechoslovakia, Poland, Ukraine, Yugoslavia) representation on the Councils and in other UN posts out of proportion to their number in the Organization.³ Thus, the Soviet

¹ Brackets appear in the source text.

² For documentation on this matter, see *Foreign Relations*, 1947, vol. I, pp. 145 ff.

³ For the 1946 discussion at the London General Assembly, see *ibid.*, 1946, vol. I, pp. 117 ff.

bloc received three seats on the Economic and Social Council and two seats on the Security Council, at the expense of other states which were not given representation in the same proportion to their numerical strength (e.g. 20 Latin American states with two SC and four ECOSOC seats; 16 NE and ME states with 1 SC and 2-3 ECOSOC seats).

2. The perpetuation of this pattern of representation in succeeding council elections has made it difficult, and in some cases impossible to provide for equitable representation of other important groups of states. Thus, at the present time, no Arab state is included on the Economic and Social Council.

3. It is not believed that the reduction in the number of Eastern European states will materially affect the position of the Soviet group in the Economic and Social Council, although it is recognized that, prestige-wise, it will be a blow.

4. It is to the definite political interest of the United States to support an Arab state for election to the Economic and Social Council this year, and it would be difficult to explain to the Arabs the basis of a decision to support an Eastern European state at the expense of an Arab candidate. As regards Sweden, while it might be expendable in this connection, it is believed that it can make a substantial contribution to the work of the Council; Sweden has never had a UN Council seat; and, moreover, we would not wish to reduce the number of Western European states on the Council at this time, particularly since it would not be easy to regain that seat in the future, in the face of continuing demands from the Middle Eastern and Latin American blocs.

Annex

PRESENT MEMBERSHIP OF THE ECONOMIC AND SOCIAL COUNCIL

Term expires December 31, 1950:

Australia
Brazil
Denmark
Poland
USSR
United Kingdom

Term expires December 31, 1951:

Belgium
Chile
China
France
India
Peru

Term expires December 31, 1952:

Canada
Czechoslovakia
Iran
Mexico
Pakistan
United States

330/8-850

*Memorandum of Conversation, by the United Nations Adviser,
Bureau of European Affairs (Raynor)*

CONFIDENTIAL

[WASHINGTON,] August 8, 1950.

Participants: Mr. Gerald Meade, British Embassy
G. Hayden Raynor, EUR

Mr. Meade called this afternoon at his request to inform me of the contents of a letter on the question of Council slates he had just received from the UN Department of the Foreign Office.

SC. The British agree to the slate of Turkey, Brazil and The Netherlands.

With respect to Brazil, however, they point out that they will pursue their usual policy and support the Latin American caucus selection although they would be very happy to see Brazil selected. The communication also indicated that the British have been informed by the Lebanese Chargé d'Affaires that Lebanon has been selected as the Arab League candidate. The Foreign Office is therefore apprehensive that this may mitigate against Turkey's chances if the Arabs and Latin Americans should concert on this question. The Foreign Office hoped that we might be able to use our influence to prevent such a development.

In commenting on the Netherlands the Foreign Office pointed out that they understood Denmark was definitely not a candidate.

ECOSOC. On ECOSOC, the British intend to support the USSR and Sweden. They, of course, hope the UK will be reelected. The Foreign Office has no particular objection to Uruguay but feel their hands may be somewhat tied by a response made some time ago to an approach from Cuba. However, they will support the nominee of the Latin American caucus for this seat.

The Foreign Office expressed the view that it would be unwise to oppose the election of an Eastern European state to replace Poland feeling that the Russians should not be riled on such a minor issue when we would be faced with so many major disagreements with them during the Assembly.

The Foreign Office made a strong point against the candidacy of the Philippines and stated that they intend to vote for Egypt to replace

Australia. They recognize that the Commonwealth is presently over-represented on the Council but reserve their position in the event that Australia should indicate a desire for reelection. As to the Philippines, they feel she has had more than her share of positions and on the other hand, feels that the Arab League should be represented on ECOSOC. Furthermore, she feels that support for Egypt, despite her recent behavior, might be helpful to the UK in connection with other matters. The Foreign Office expressed the hope that we would reconsider on the matter of the Philippine candidacy. I replied that we were now committed to the Philippines and that while I did not want to ask that the Foreign Office reconsider it, I did think they should take into account the very definite interest of the Philippines in the Trusteeship Council and that should the Philippines not succeed in being elected to ECOSOC that she might become a candidate for reelection on the Trusteeship Council and might be able to develop considerable support.

Trusteeship Council. The British are in agreement to the slate of Thailand and the Dominican Republic.

G. H[AYDEN] R[AYNOR]

320/8-1750

Memorandum of Conversation, by the Officer in Charge of Iranian Affairs (Ferguson)

CONFIDENTIAL

[WASHINGTON,] August 17, 1950.

Participants: Mr. Aram of the Embassy of Iran
GTI—Mr. Rountree ¹
Mr. Ferguson

Mr. Aram called at his own request to read a telegram from the Foreign Minister of Iran on the question of the candidacy of Nasrollah Entezam for the Presidency of the General Assembly. Mr. Aram said that the Foreign Minister had been informed that while the Pakistan Prime Minister was in the United States, he had been told that the United States would support the candidacy of Sir Zafrullah Khan. Mr. Aram was instructed to learn the truth of this report and again urge the Department to support Mr. Entezam.

Mr. Rountree told Mr. Aram that no decision had been taken by the Department on this question and that the Iranian Government could rest assured that no assurance of any sort had been given any country. Mr. Rountree said he had hoped that the Iranian and Pakistan Governments would have been able to agree between them as

¹ William M. Rountree, Director of the Office of Greek, Turkish, and Iranian Affairs.

to the candidate and hoped this might still be possible.² He said Iran should realize the difficult situation in which the Department had been placed by the rival candidates of two such outstanding men from the same area.

Mr. Aram said he appreciated the difficulty of the situation but felt that the Department must realize that if we should fail to support Mr. Entezam, there would be "unfortunate" results in Iran. He again outlined Mr. Entezam's qualifications and expressed the opinion that while Sir Zafrullah was an exceedingly able lawyer his experience for the task under consideration could not compare with that of Mr. Entezam.

Mr. Rountree assured Mr. Aram that the matter was being seriously considered at the moment but that he did not know when a decision would be taken but certainly not for another week or ten days.

² The Department was particularly active in June in encouraging consultations to take place between Iran and Pakistan regarding the issue of who would stand for the presidency of the General Assembly. The Department had informed the Embassies at Tehran and Karachi on at least two occasions of its hope that the two governments would be able to reach agreement on this issue. (The documents which are not printed are in the 320 series, Department of State central indexed files.) The Tehran Embassy was informed as early as June 7 that the Department was "under daily pressure from the Iranian Embassy for U.S. support of Entezam. . . ." (Deptel 665, to Tehran, June 7, File No. 320/6-750) In a conversation at the Department on June 19 the Iranian Chargé (Aram)

"... again expressed disappointment that the United States Government had not seen fit to make known its support of Mr. Entezam, since he [Aram] felt that this would have precluded Zafrullah Khan's entry into the race. Moreover, he felt that an announcement at this time would go a long way in solving the matter in Mr. Entezam's favor. . . ." (memorandum of conversation by Rountree, June 19, File No. 320/6-1950)

The Department sent another round of cables to Tehran and Karachi on August 21 (telegrams 320 and 321 to Tehran and 108 and 109 to Karachi), with no results. (320 series)

330/8-2350

Memorandum of Conversation, by the Acting Deputy Assistant Secretary of State for Near Eastern, South Asian, and African Affairs (Berry)

CONFIDENTIAL

[WASHINGTON,] August 23, 1950.

Participants: Mr. Melih Esenbel, Turkish First Secretary
 Mr. Burton Berry, Acting Deputy Assistant Secretary
 Mr. Popper, UNP
 Dr. Harry Howard, NEA
 Mr. Edward F. Rivinus, GTI

Problem: The Turkish Government is disturbed over Lebanon's proposed candidacy for the expected vacancy on the Security Council

with particular regard to the position to be taken by a number of Latin American states.

Action Required: To make clear to the Latin American states concerned that the United States backs Turkey's candidacy for membership on the Security Council and United States reasons therefor.

Action Assigned To: UNP

Mr. Esenbel called to express Turkey's concern over the possibility that a number of the Latin American states might, as a result of their ignorance of the general situation in the Near East and pressures from large numbers of ex-Lebanese citizens in those countries, support the recently announced candidacy of Lebanon for the position on the Security Council to which Turkey hoped to be elected. He stated that the Turks had approached all Latin American countries in an effort to determine their stand on this question, and that to date no definite replies had been received from the following states: Colombia, Costa Rica, Cuba, San Salvador, Guatemala, Haiti, Nicaragua, Paraguay, Peru, Uruguay, Venezuela and Ecuador. He stated that the Turks felt that the Latin American countries did not fully understand that the Near East region from the point of view of the "geographic distribution" aspect of Article 23 of the UN Charter included not only the six Arab states but six non-Arab states as well, and that as a result of their failure to appreciate this situation they might be prone to cast their votes for an Arab state automatically, particularly in view of the fact that pressures might be applied by large numbers of ex-Lebanese citizens resident in Latin America. He then asked if it would be possible for the United States in its conversations with Latin American countries regarding this problem to make clear the position of the United States in support of Turkey, together with United States reasons therefor, emphasizing not only Turkey's qualifications for the position vacated by Egypt in accordance with Article 23, but also the fact that Turkey was in a materially better position to further the interests of world peace as a whole than one of the Arab states. Mr. Berry replied that it was his understanding that Mr. Webb had told the Turkish Ambassador some time ago that the United States would vote for Turkey for a Security Council seat. Shortly thereafter we had informed our Missions abroad that this was the United States Government's position. While it is not the United States Government's practice to electioneer and try to convince other countries that they should support the United States' choice for any United Nations position, we have none the less made our position known in this matter to other Governments. Mr. Popper added that we are informing our missions in Latin America of our support of Turkey and we have made known our reasons for this support. He added that we would commence discussions with all the Latin American countries on United

Nations problems beginning tomorrow in New York and that at that time we could further stress our position. Dr. Howard suggested the possibility that Lebanon had proposed or was proposing the candidacy this year as a maneuver in order to insure the chance of being elected in 1951.

IO Files : SD/A/231

Department of State Position Paper, for the Instruction of the United States Delegation to the Fifth Regular Session of the General Assembly

CONFIDENTIAL

[WASHINGTON,] August 31, 1950.

APPOINTMENT OF THE SECRETARY-GENERAL

THE PROBLEM

On the recommendation of the Security Council, the General Assembly on February 1, 1946 appointed Mr. Trygve Lie as first Secretary-General of the United Nations for a term of office of five years. Under the General Assembly resolution of January 24, 1946, on the terms of appointment of the Secretary-General (see Annex attached), it is necessary to arrange for the renewal of Mr. Lie's term for another five years or for the appointment of his successor. Article 97 of the Charter provides for the appointment of the Secretary-General by the General Assembly upon the recommendation of the Security Council. (Such a Security Council recommendation is clearly subject to the veto.) The General Assembly acts upon the Security Council recommendation in this matter by a simple majority. In the event that the Security Council fails to agree upon a recommendation for the appointment of the Secretary-General, it is necessary to decide what action may be taken by the General Assembly in order not to allow the office of the Secretary-General of the United Nations to become vacant.

RECOMMENDATIONS

1. The United States favors the renewal of Lie's term for a further five-year period.
2. In the event that the Security Council fails to make an affirmative recommendation of a candidate for a full five-year term to the General Assembly, by reason of the exercise of the veto or the failure of a candidate to obtain seven affirmative votes, the United States believes that the General Assembly alone can take action to ensure that the office of the Secretary-General will not become vacant.
3. In these circumstances, depending upon the support each of the alternatives suggested below receives from other delegations, the

United States Delegation in the General Assembly should propose or support the adoption of

(a) a resolution altering the 1946 resolution on the appointment of the Secretary-General to extend the term of the incumbent Secretary-General, Trygve Lie, for not less than two years, and, if agreement can be reached, for a period up to five years; or

(b) a resolution continuing the incumbent Secretary-General, Trygve Lie, in office until such time as formal action of appointment of his successor or renewal of Lie's term becomes possible.

4. The foregoing recommendations are based on the assumption of continued Soviet participation in the United Nations. In the event that the Soviet Union should withdraw from the United Nations, the United States would desire to review its position on this matter.

COMMENT

1. It appears probable that Mr. Lie is the only likely candidate on the horizon. His strong support of United Nations action in Korea has contributed appreciably to the work of the United Nations action in this crisis and has greatly increased his personal stature.

2. As of the end of August, it appeared likely that, as the result of conversations among the United Kingdom, France and the United States, the President of the Security Council for September (the United Kingdom representative) would informally seek the views of the USSR early in September and perhaps hold a private Security Council meeting to determine whether agreement on a new term for Lie could be reached in the Security Council. (China has stated that it would oppose Lie's appointment for a full five-year term but would agree to a one-year extension.) In view of the intense Soviet criticism of Lie's conduct in the Korean case, as well as the Chinese attitude, such an agreement seemed highly unlikely.

3. From the record of events at San Francisco in 1945, and prior to the election of Mr. Lie in 1946, it seems clear that the General Assembly intended that the appointment and re-appointment of the Secretary-General should be a matter which would require a substantive decision in the Security Council. However, the Assembly in 1946 apparently did not take into account the possibility that it might be impossible to secure agreement in the Security Council on any candidate for the office. In such an event, the problem arises as to the procedure to be followed. Two alternatives are suggested:

(a) The General Assembly could alter its 1946 resolution which fixes the term of the first Secretary-General at five years, and provides for his re-appointment for an additional five years or the appointment of a new Secretary-General, with the concurrent action of the

Security Council. (This course of action would involve a departure from the observations of the Preparatory Commission¹ to the effect that the General Assembly and the Security Council are free to modify the terms of office of future Secretaries-General in the light of experience, and would mean in the future that the only function of the Security Council in respect of the appointment of the Secretary-General would be the recommendation of a candidate to the General Assembly.) In altering the 1946 resolution, the Assembly would extend Lie's term at the minimum for an additional two years, and, if agreement can be reached, for a period up to five years.

(b) Alternatively, the General Assembly could adopt a simple declaratory resolution to the effect that the incumbent Secretary-General should continue to serve until his successor was appointed or his term renewed, on the ground that, for organizational reasons, the post could not be allowed to become vacant. In this event, it is unlikely that Mr. Lie would wish to continue in office unless he received some assurance as to the minimum period during which he might be expected to serve. However, it is felt that, with such an assurance, individual Members of the United Nations could effectively appeal to Mr. Lie to continue to serve as a matter of public duty. The importance of not permitting the post of the Secretary-General to become vacant and the contribution which Mr. Lie is making to the program of the United Nations would be stressed in this connection. In fairness to Mr. Lie, the United States should undertake informally to ensure him of our support for a minimum term of two years, with the provision that he should continue thereafter until agreement is reached on his successor or his re-appointment. While a stipulation for a minimum term of two years need not be included in the resolution the United States should seek its inclusion unless Members object to such a provision on the basis of a strict interpretation of Article 97 of the Charter.

4. Both alternatives involve action by the General Assembly which it might be contended appears to go beyond a strict interpretation of Article 97 of the Charter providing for the appointment of the Secretary-General by the General Assembly upon the recommendation of the Security Council. However, it was certainly not intended that the failure of the Security Council to make a positive recommendation in this regard should prevent the Organization from having an administrative head. Under these circumstances, it is clear that the General Assembly must, for organizational reasons, take action in order that the post of Secretary-General not be allowed to become vacant. The form which this action should take should be determined after a canvass of the support which the alternatives seem likely to obtain from the Members of the United Nations. In particular, the first alternative may be opposed on the ground that it is contrary to the

¹ For documentation on the work of the Preparatory Commission of the United Nations, June-December 1945, see *Foreign Relations*, 1945, vol. I, pp. 1433 ff.

recommendations of the Preparatory Commission on this matter, as well as to the terms of the 1946 Assembly resolution on the appointment of the Secretary-General. These arguments, however, may be met by the fact that the Assembly resolution, in adopting the observations of the Preparatory Commission on this subject, foresaw reconsideration of this matter at the end of ten years, and by the conclusion that the present situation justifies reconsideration of the Assembly's 1946 resolution at this time. The second alternative, on the other hand, simply constitutes a practical approach to the problem of keeping the office filled. It does not purport to alter the 1946 resolution or to reinterpret Article 97 of the Charter. However, it is less satisfactory from the administrative standpoint because it places the Secretary-General in the position of serving from day to day, a condition unlikely to result in forthright and courageous executive action. There appears also to be considerable question as to Mr. Lie's willingness to continue in the office under the latter circumstance, although an informal two-year assurance, as suggested above, may be helpful in this regard.

[Attachment]

Annex Incorporating General Assembly Resolution of January 24, 1946, on Terms of Appointment of the Secretary-General of the United Nations

The General Assembly resolves that, in view of the heavy responsibilities which rest upon the Secretary-General in fulfilling his obligations under the Charter:

1. The terms of the appointment of the Secretary-General shall be such as to enable a man of eminence and high attainment to accept and maintain the position.
2. The Secretary-General shall receive a salary of an amount sufficient to bring him in a net sum of \$20,000 (U.S.), together with representation allowance of \$20,000 (U.S.), per annum. In addition, he shall be provided with a furnished residence, the repairs and maintenance of which, excluding provision of household staff, shall be borne by the organization.
3. The first Secretary-General shall be appointed for five years, the appointment being open at the end of that period for a further five-year term.
4. The following observations contained in paragraphs 18-21 of section 2, chapter VIII of the preparatory Commission's Report be noted and approved:

(a) There being no stipulation on the subject in the Charter, the General Assembly and the Security Council are free to modify the

term of office of future Secretaries-General in the light of experience.

(b) Because a Secretary-General is a confidant of many governments, it is desirable that no Member should offer him, at any rate immediately on retirement, any governmental position in which his confidential information might be a source of embarrassment to other Members, and on his part a Secretary-General should refrain from accepting any such position.

(c) From the provisions of Articles 18 and 27 of the Charter, it is clear that, for the nomination of the Secretary-General by the Security Council, an affirmative vote of seven members, including the concurring votes of the permanent Members, is required; and that for his appointment by the General Assembly, a simple majority of the members of that body present and voting is sufficient, unless the General Assembly itself decides that a two-thirds majority is called for. The same rules apply to a renewal of appointment as to an original appointment; this should be made clear when the original appointment is made.

(d) It would be desirable for the Security Council to proffer one candidate only for the consideration of the General Assembly, and for debate on the nomination in the General Assembly to be avoided. Both nomination and appointment should be discussed at private meetings, and a vote in either the Security Council or the General Assembly, if taken, should be by secret ballot.

330/8-2950: Telegram

The Secretary of State to the Legation in Lebanon

CONFIDENTIAL

WASHINGTON, September 1, 1950—12 noon.

163. US has decided, reurtel 134 August 29,¹ support Turkey for SC succeed Egypt. While US has high regard Lebanon's contribution UN, firm US commitment Turkey makes it impossible support Lebanon. In accordance usual policy US has informed other govts its intention support Turkey. While this position must necessarily affect Lebanese candidacy adversely, we are not making any statements re Lebanese qualifications SC post.

You may wish point out FonOff Arab states have continuously held SC seat since 1946 (Egypt, 1946; Syria, 1947-8; Egypt, 1949-1950); that US considers SC seat shld be open other candidates from area; and US support for Turkey partially predicated upon these considerations. (See Deptcirgram April 22.)

Lebanese Leg here advised in above sense Aug. 4.

ACHESON

¹ The Minister in Lebanon (Pinkerton) had reported an official request from the Lebanese Foreign Office, that the United States not work actively against a Lebanese candidacy. (330/8-2950)

320/9-150

*Memorandum of Conversation, by Mr. Ward P. Allen of the Bureau
of European Affairs*

CONFIDENTIAL

[WASHINGTON,] September 1, 1950.

Participants: Mr. Gerald Meade, British Embassy
Mr. Michael Walker, British Embassy
Mr. D. Sandifer, UNA¹
Mr. Ward P. Allen, EUR

Mr. Meade on instructions presented an official request from Mr. Bevin for US support for Sir Zafrullah Khan and emphasized that his high caliber and experience eminently qualified him for the post. Mr. Meade remarked that an additional qualification is the fact that Sir Zafrullah would probably be treated with more respect by the Soviet Union than would Entezam, due to Soviet desire to woo Pakistan and their tendency to be harsh with the Persians. Mr. Meade reported that, in addition to the support of the Commonwealth (except Australia about which he had no information and India which was negative), some Latin American states, the Arab states and some others, the Philippines had now decided to support Sir Zafrullah and Romulo has agreed to seek to persuade all those who attended the Baguio Conference to do likewise.

Mr. Sandifer responded that we were glad to have the UK views and will give them the fullest consideration in reaching our decision, although when the decision will be made he could not say. He remarked that prior to the time that Sir Zafrullah's candidacy had reached its present proportions, we had been favorably disposed to Entezam, adding that there is no question but that both men are very well qualified for the post.

¹ Durward V. Sandifer, Deputy Assistant Secretary of State for United Nations Affairs.

330/9-250: Circular airgram

*The Secretary of State to Certain Diplomatic Missions in the
American Republics*¹

CONFIDENTIAL

WASHINGTON, September 2, 1950—1:30 p. m.

In connection with preferred US slate of candidates for Security Council (Brazil, subject to LA caucus decision, Turkey and Nether-

¹ Sent for action to all Latin American capitals except Rio de Janeiro. Sent for information to the U.S. Mission at the United Nations (USUN) and to the Embassy in Turkey. The Department reiterated its support of Turkey and stated certain reasons for not favoring the Lebanese candidacy, in another circular telegram to the same capitals on September 14 (330/9-1450).

lands), to succeed three retiring members, Cuba, Egypt and Norway, Dept now desires that you make clear to Government to which you are accredited that the United States attaches great importance to the election of Turkey to the Security Council to succeed Egypt, particularly because, in the obviously critical period ahead of the Council, it is important to the free world that the SC's members include states whose support can be relied upon in crucial cases. The United States therefore hopes strongly that the Government to which you are accredited will support Turkey's candidacy.

You may wish to point out that support for Turkey's candidacy is in line with the general UN understanding that one SC seat should be held by a Near or Middle Eastern state, and that the US does not believe that this seat should always go to an Arab state. You may note that since the SC's organization in 1946, the Arab League has continuously held an SC seat (Egypt, 1946; Syria, 1947-8; Egypt, 1949-50) with the result that no other state from the Near or Middle East has been represented on the Council.

It will be recalled that Turkey was a Security Council candidate in 1948. Because of various special considerations, however, including the Palestine situation, the United States decided to support Egypt, and Turkey subsequently announced its intention to stand for election to the SC in 1950. At that time we definitely gained the impression that the Arab states would not advance their own candidate in 1950.

ACHESON

IO Files : SD/A/232

*Department of State Position Paper, for the Instruction of the
United States Delegation to the General Assembly*

CONFIDENTIAL

[WASHINGTON,] September 6, 1950.

UNITED STATES SLATE FOR SECURITY COUNCIL, ECONOMIC AND SOCIAL COUNCIL, AND
TRUSTEESHIP COUNCIL

SECURITY COUNCIL

<i>Present Members</i>	<i>United States Slate</i>
Term expires December 31, 1950 :	
Cuba	Brazil
Egypt	Turkey
Norway	Netherlands
Term expires December 31, 1951 :	
Ecuador	
India	
Yugoslavia	
Permanent Members :	
China	
France	
USSR	
United Kingdom	
United States	

ECONOMIC AND SOCIAL COUNCIL

*Present Members**United States State*

Term expires December 31, 1950 :

Australia
Brazil
Denmark
Poland
USSR
United Kingdom

Philippines
Uruguay
Sweden [or Eastern
European state]
Egypt
USSR
United Kingdom

Term expires December 31, 1951 :

Belgium
Chile
China
France
India
Peru

Term expires December 31, 1952 :

Canada
Czechoslovakia
Iran
Mexico
Pakistan
United States

TRUSTEESHIP COUNCIL

*Present Members**United States State*

Term expires December 31, 1950 :

Dominican Republic
Philippines

Dominican Republic
Thailand

Term expires December 31, 1952 :

Argentina
Iraq

*Members administering Trust Terri-
tories:*

Australia
Belgium
France
New Zealand
United Kingdom
United States

*Members mentioned by name in Article
23 of the Charter and not adminis-
tering Trust Territories:*

China
USSR

310/9-650 : Telegram

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

SECRET

NEW YORK, September 6, 1950—9 p. m.

464. Taking advantage presence this morning in tripartite con-
versations of Chauvel (France) and Jebb (UK)¹ with staffs, Hicker-

¹ Sir H. M. Gladwyn Jebb had replaced Sir Alexander Cadogan as the Perma-
nent Representative of the United Kingdom at the United Nations.

son and Ross brought up matter of successor to SYG Lie.² Jebb said his FonOff preferred that final action on this be delayed until late in GA although it felt informal steps should be taken clarify situation in meanwhile. He said FonOff hoped action would be avoided until it is clear whether China and USSR would veto. It would have no objection to Jebb, as SC president, calling private meeting of permanent five, and if USSR turned out to be negative or evasive would contemplate short-term "reappointment" (Jebb later indicated this should be read in sense of "extension" of maximum two years). It desired to avoid commitment on Lie for full five years since, if USSR should leave UN, UK might desire look for "more acceptable" SYG. It did not favor exchanging lists other candidates for position at this time since it was coming to think of Lie as only possibility if Russians stay.

Chauvel declared above position seemed to represent French views also. He stressed French reluctance make commitment on Lie for any longer time than necessary.

Hickerson urged preferability settling matter early in interest of budgetary and administrative assistance to Secretariat and fairness to Lie himself. Ross was not sure that Lie would accept two year offer nor that such term would be wise from Secretariat viewpoint. It would be hard get good new ASYG's for such short time.

Chauvel and Jebb feel strongly against commitment for Lie too early in GA in view possibility USSR might walk out before end, in which case they might want consider other SYG. Chauvel wondered how this could be put up to Lie, and Jebb agreed that it was problem. Hickerson reiterated preference for five year term but wondered, if shorter became necessary, whether proviso might be put in such as "or thereafter until successor is chosen". Ross doubted Lie would take this proviso.

Jebb said he would talk to Tsiang and Malik. Re latter he considered various turns conversation might take and wondered whether Malik might suggest some alternative to Lie. If such alternative should be Ramaswami Mudaliar, Girja Bajpai or some other acceptable Indian, he thought UK would probably accept.

It was left that dels would say nothing to rest of SC until Tsiang and Malik consultations.

AUSTIN

² These were pre-General Assembly talks.

310/9-1150 : Telegram

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

SECRET PRIORITY NEW YORK, September 11, 1950—3:51 p. m.

499. Since conversation with Lie, reported in our telegram No. 465, September 6,¹ Lie has twice approached Gross on subject extension term of SYG. He gave every impression of hoping for extension his term preferably for five-year period. Although protesting that "he had had enough and wanted a few years to lead his own life," et cetera, he made copious references to the troubled times in which we live, the need for maintaining a strong UN, and other similar statements dripping with virtue which were undoubtedly sincere but which at the same time were consistent with a manifest desire to remain available for public duty.

In the third conversation on the subject, initiated by Lie, Gross endeavored to stress importance from Lie's own point of view as well as ours of letting US handle the matter with as much elbow room as possible. Specifically, Gross said that although we favored a five-year renewal in order to give greater stability to Secretariat, we hoped Lie would be amenable to a call for a two-year term if that seemed the most practicable solution. Lie did agree to this, after a bit of huffing and puffing. However, he emphasized that it would be extremely important to him to have this handled in a most discreet way, suggesting for example that he be given the opportunity "to refuse to serve for longer than two years". He appeared to attach so much importance to this face-saving technique, that it is not at all certain he would be willing to accept unless it were handled in some such manner.

AUSTIN

¹ In telegram 465, USUN had reported a *tour d'horizon* conversation between Lie and two officers of the Mission, regarding the forthcoming General Assembly (320/9-650).

320/9-1150 : Telegram

*The Secretary of State to the Embassy in the United Kingdom*¹

CONFIDENTIAL

WASHINGTON, September 11, 1950—8 p. m.

1322. Pls review urgently with FonOff fol ideas with respect composition GA Genl Comite and report soonest reactions and suggestions you obtain.

¹ Repeated for action to the Embassies in Paris (1250) and Ottawa (60) and to the U.S. Mission, New York (238).

On overall geographic balance GC Dept feels past distribution shld be followed: Big 5, 1 WE, 1 Commonwealth, 3 from NE, ME and FE area, 1 EE (Sov bloc) and 3 LA States.

President. US has not decided between leading candidates Entezam and Zafrullah. US hopes after they canvass voting strength NY one or other will retire from race.

Vice Presidents. In addition five major powers, US intends support Commonwealth candidate (Canada or Australia; US hopes one or other will withdraw) and probably LA state, possibly Venezuela or Mexico, which are candidates.

Dept's tentative preference, assuming president from Middle East, is for WE to chair First Comite. Views as to this idea and possible individuals available very much wanted. From list dcls now available, although we do not have Belg list, best possibilities occurring to us are Lange (Norway)² if he would accept, or Van Heuven Goedhart (Netherlands).³

On *Ad Hoc* Political Comite we have considered Padilla Nervo (Mexico) or other suitable LA candidate, such as Urdaneta (Colombia).⁴

On Comite 2, Santa Cruz (Chile)⁵ has been mentioned but some feeling exists he has held this position too many times. He has indicated to USUN he may recommend Chile not be candidate view Chile's four years on GC.

If WE does not chair First Comite Goedhart could also be considered for Third Comite.

On Fourth Comite we have favorably considered Prince Wan (Thailand).⁶ Though UK has suggested McEachen of Uruguay,⁷ who wld also be acceptable to us, Dept. has no info he will attend.

Dept feels Slav group shld have one seat in addition USSR on Gen Comite, preferably thru Comite Chairmanship, but has not been able to find any suitable Comite Chairmanship. Wld welcome FonOff views.

ACHESON

² Halvard M. Lange, Norwegian Minister of Foreign Affairs and Chairman of the Norwegian Delegation to the General Assembly.

³ G. J. van Heuven Goedhart, Vice Chairman of the Netherlands Delegation to the General Assembly.

⁴ Roberto Urdaneta Arbelaez, Chairman of the Colombian Delegation to the General Assembly.

⁵ Hernán Santa Cruz, Chairman of the Chilean Delegation to the General Assembly.

⁶ Prince Wan Waithayakon, Permanent Representative of Thailand at the United Nations.

⁷ Roberto E. MacEachen, Uruguayan Ambassador to Mexico.

310/9-1250 : Telegram

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

TOP SECRET PRIORITY NEW YORK, September 12, 1950—4:44 p. m.

508. Jebb told Gross he invited Malik to lunch today to discuss SYG problem. Jebb said he "explained technical aspects of question to Malik." Latter was non-committal, saying it was a matter he would have to discuss with Vishinsky¹ when latter arrives. Malik expressed no tentative views himself. Jebb anxious it be kept secret he had invited Malik to lunch.

AUSTIN

¹ Andrei Y. Vyshinsky, Soviet Minister of Foreign Affairs, Chairman of the Delegation of the Soviet Union to the fifth session of the General Assembly.

320/9-1450 : Telegram

*The Acting Secretary of State to the Embassy in the
United Kingdom¹*

CONFIDENTIAL

WASHINGTON, September 14, 1950—8 p. m.

1400. Dept has reviewed UK, French and Canadian suggestions GC slate. While USDel plans discuss GC in detail NY with UK, French, Canadian and other GADels, Dept has certain views proposed slate which it feels desirable give respective FonOffs in order facilitate NY discussions.

1. Dept has not heard rumor LA states desire Comite 1 post. Mexicans, including Padilla Nervo personally, have informed US Mexico does not desire comite chairmanship since Mex del small, and has formally requested support for vice-presidency. On merits US prefers WE chairman this comite, although we wld also be willing consider defeated Pres candidate this post. Choice of WE chairman for *Ad Hoc* Political Comite might create problem since this chairman not member GC and it might not be possible elect WE chairman for any other Main Comite. US wld not exclude possibility Padilla Nervo for *Ad Hoc* Political Comite, or even Comite 1.

2. On Comite 4 Dept continues prefer Prince Wan. While possibly not strongest conceivable chairman, he appears entirely competent to handle Comite, and Dept believes psychological advantages FE chairman Comite 4 outweigh other considerations. If UK and France

¹ Repeated for action to Paris (1324), Ottawa (63), and the U.S. Mission, New York (265).

strongly support Sarper,² we wld reconsider but are aware choice of Sarper might make it difficult obtain suitable geographic distribution GC posts and fear his election might have adverse effect Turkey's SC candidacy. Also have doubts Sarper's firmness as chairman, recalling his experience Comite 1 last year. If Prince Wan shld be dropped here, Dept wld wish give him serious consideration chairmanship Comite 6.

3. Dept still reviewing question suitable comite chairmanship Slav bloc. Comite 5 suggestion creates some problem since we feel this post might give Soviets opportunity for disruptive propaganda and delay in consideration of financial and administrative aspects of political problems they had already opposed in political comites. Possibility of Slav vice-presidency only, in addition to that of USSR, might be discussed further in NY.

WEBB

² Selim Sarper, Permanent Representative of Turkey at the United Nations.

IO Files : US/A/2451

Memorandum of Telephone Conversations, by Mr. David H. Popper, Principal Executive Officer, United States Delegation to the General Assembly

CONFIDENTIAL

[NEW YORK,] September 18, 1950.

Participants: Mr. David W. Wainhouse, Department of State
Mr. David H. Popper, Principal Executive Officer

During the course of the afternoon I telephoned Mr. Wainhouse in the Department to inform him of the possibility that both Entezam and Zafrullah might remain in the presidential race until the first ballot disclosed who was the stronger candidate. In that event, we would be confronted with the necessity of making a choice, and our choice would be very important in the subsequent manoeuvring.

Mr. Wainhouse reported that the reaction in the Department was that it still hoped an agreement could be reached before the balloting; that it would not wish the Delegation to reveal its position until the time of the balloting; and that it did not wish to make a decision between the two candidates until it was informed of the results of the Latin American caucus scheduled for this evening. The Department will check with Assistant Secretary McGhee in London as soon as it gets word of any action the caucus may take on the presidency, if possible tonight. I stressed the need for a Department line in time for our Delegation meeting, September 19 at 10:00 a. m.

Mr. Wainhouse called tonight and dictated the following message to Mrs. Walker:

"Burton Berry of ANE has just telephoned me to say that he talked to George McGhee¹ in London. McGhee says:

"1. He is still hopeful that one or the other of the candidates will withdraw.

2. If neither candidate withdraws we should not disclose our hand up to the time of voting.

3. Subject to the Secretary's approval, Mr. McGhee favors Zafrullah unless Entezam appears to be the winner in which case we will vote for him."

DAVID H. POPPER

¹ George C. McGhee, Assistant Secretary of State for Near Eastern, South Asian, and African Affairs.

IO Files: US/A/M (Chr)/137

Minutes of the Second Meeting of the United States Delegation to the General Assembly,¹ New York, September 19, 1950, 10:00 a. m.

SECRET

[Here follow list of persons present (37) and partial discussion of the agenda for the opening plenary session of the General Assembly.]

Turning to the election of the President, Mr. Popper explained that the two candidates, Sir Zafrullah Khan and Nasrollah Entezam, were at that moment meeting to try to determine which had greater strength, so that the weaker candidate could withdraw, but if they were unable to reach agreement, both candidates might remain in the race on the first ballot. Entezam appeared to have the lead. The Department's instructions (US/A/2451), which Mr. Popper read to the Delegation, did not definitely settle the issue. Ambassador Austin suggested that our difficult position required that we maintain absolute secrecy as to which candidate we supported. This was agreed.²

[Here follows discussion of another subject.]

¹ For information regarding the composition and organization of the U.S. Delegation to the fifth regular session of the General Assembly, see pp. 24 ff.

² Both candidates stood for election on the first ballot in the first plenary meeting of the General Assembly on the afternoon of September 19. Mr. Entezam obtained the required majority of the Members present and voting and was elected president.

320/9-2650: Telegram

The Secretary of State to the Acting Secretary of State

SECRET

NEW YORK, September 26, 1950—1:29 p. m.

Delga 36. Jebb told Gross September 25 p. m., Vishinsky had failed to respond to Jebb's request for interview to discuss appoint-

ment of SYG. With annoyance, Jebb said he thought the only course now remaining was to put matter directly in G.A. Gross replied this course seemed premature at the moment and he would like to discuss matter with Jebb again in next few days.

ACHESON

IO Files : US/A/M (Chr)/143

Minutes of the Eighth Meeting of the United States Delegation to the General Assembly, New York, September 27, 1950, 9:15 a. m.

SECRET

[Here follows list of persons present (47). The Secretary of State presided.]

1. *Slate for the Economic and Social Council* (SD/A/232)¹

Mr. Popper explained that our slate was firm as regards five of the six candidates. We had not yet decided whether to support Sweden or an Eastern European state for the sixth place on the Council. If Sweden were supported, the Eastern European states would maintain only two of the eighteen places on the Council. A broad canvass of other delegations with respect to their views on maintaining Eastern European representation at the same level had not disclosed widespread sentiment in favor of an Eastern European candidate, although the French favored this choice and the British were still undecided. Mr. Popper recommended that the Delegation support Sweden on the first ballot rather than an Eastern European state. The Delegation approved this recommendation.²

[Here follows discussion of other agenda items.]

¹ Doc. SD/A/232 was dated September 6; see p. 119. At a briefing meeting of the Delegation in Washington on September 8 there was lengthy inconclusive discussion of the question of the ECOSOC slate (Minutes of Briefing Session of the U.S. Delegation, Washington, September 8, 10 a. m., Doc. US/A/M (Chr)/135, IO Files, not printed). It had been pointed out by Department officers that although Eastern Europe was over-represented in United Nations bodies, particularly ECOSOC, "there was considerable doubt as to the wisdom of reducing Eastern European representation at a time when it would obviously be regarded as provocative by the USSR." It was further pointed out that other regional groupings were reluctant to reduce Eastern European representation, fearing "a similar cut" in the representation of their own areas.

² The following states were elected to ECOSOC by the General Assembly on September 29 on the first ballot: the United Kingdom, the Soviet Union, Uruguay, the Philippines, Poland, and Sweden.

IO Files : US/A/2623

*Memorandum of Conversation, by Mr. Harry N. Howard of the
Advisory Staff of the United States Delegation*

CONFIDENTIAL

[NEW YORK,] September 29, 1950.

Participants: Ambassador Selim Sarper, Turkish Delegation
Mr. Adnan Kural, Turkish Delegation
Mr. Harry N. Howard, United States Delegation

I saw Ambassador Sarper and Mr. Kural briefly at lunchtime, shortly after the eighth ballot in the contest for the Security Council seat between the Lebanon and Turkey.¹ They were both very much concerned about the way the situation had developed and felt that the whole trouble had emanated from Mr. Belaunde's candidacy for the Chairmanship of the *Ad Hoc* Committee. They stated that this was the one thing which Turkey really wanted at this General Assembly and felt that through the antics of Mr. Belaunde, the Turkish candidacy was now being put in peril. They also felt that a number of Latin American Delegations had not told them the truth at all as to their own position in this matter and stated that they would never forget what had happened this morning. They believed that we must now go down the line to vote for Sir Carl Berendsen for the Chairmanship of the *Ad Hoc* Committee.² They also hoped that the United States Delegation would stick with them through thick and thin in their contest for the Security Council.³

¹ In the voting for the three nonpermanent members which began on the morning of September 29, Brazil and the Netherlands were elected on the first ballot.

² Sir Carl Berendsen was Permanent Representative of New Zealand at the United Nations and Chairman of the New Zealand Delegation to the General Assembly.

³ Voting continued through four more ballots on the afternoon of September 29, with inconclusive results.

320/10-250 : Telegram

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

CONFIDENTIAL

WASHINGTON, October 2, 1950—1 p. m.

Gadel 19. Dept feels the election of Turkey to SC important. While avoiding invidious comparisons in the qualifications of Turkey and Lebanon, USDel shld point out to other dels that Turkey has in the past shown an unusual independence towards Sov Union; she has consistently resisted pressure from that direction and has manifested

a strong will to resist. As with Yugo, membership on the SC, in the view of the Dept, will afford Turkey a greater sense of security. Moreover, her presence on SC for the next two years will contribute greatly to the efforts of the non-Communist world to halt Sov imperialism.

A second failure to elect Turkey to SC wld be a serious prestige blow to Turkey which considers that she has made effective contributions to internatl peace and security, and wld afford the Kremlin a propaganda weapon to undermine the Turkish Govt.

We feel that the SC seat from the MEA shld not be a monopoly of the Arab League.¹

WEBB

¹ After an inconclusive 13th ballot on the morning of October 7, and subsequent consultation on the part of the Arab Members, Lebanon at the same meeting withdrew its candidacy and Turkey was elected on the 14th ballot. Documentation in the IO files concerning conversations between U.S. officials and members of other delegations during this period is not printed. In a memorandum of October 6 describing a conversation between the U.S. Representative at the United Nations (Austin) and the Deputy U.S. Representative on the Security Council (Ross) on the one hand and the Lebanese Foreign Minister and Chairman of the Lebanese Delegation to the General Assembly, Philippe Takla, and Charles Malik, Lebanese Minister to the United States, Ross recorded the following:

"... I had an opportunity (on authority received by telephone from Mr. Hickerson the day before) to raise specifically the possibility of an understanding being reached at this time analogous to the situation with regard to Turkey in 1948. I said that any understanding with regard to support for the election of The Lebanon in 1952 would not, of course, be in the nature of an understanding between the United States and The Lebanon but rather, as in the case of Turkey two years ago, an understanding broadly held throughout the Assembly.

"I said that no firm and irrevocable commitment so far in advance of circumstances could be undertaken by any government in its right mind. I said also that the development of such an understanding generally in the Assembly, and particularly so far as we were concerned, of course, presupposed that The Lebanon would be the candidate of the Arab group two years from now and that there would not be two competing Arab candidates between whom we would have to choose. I said also that I thought the possibility of developing any such understanding in the Assembly would depend very largely on a graceful gesture of withdrawal by The Lebanon.

"Malik, interpreting my remarks, emphasized that I was making a very important suggestion.

"Takla responding ... then went on to say ... that if on the next ballot Turkey had more votes than The Lebanon, The Lebanon would withdraw. He begged that we not divulge this confidence. ..." (IO Files, memorandum of conversation by John C. Ross, October 6, 1950, document US/A/2660, or US/8/1465)

310/10-350

Memorandum of Telephone Conversation, by the Assistant Secretary of State for United Nations Affairs (Hickerson)

SECRET

[WASHINGTON,] October 3, 1950.

Memorandum for the Files

I talked to Mr. Gross on the telephone today about Ross' memorandum of September 29¹ concerning status of Trygve Lie and Lie's suggestion that he write letters to the President of the Security Coun-

¹ Not found in Department of State files.

cil and to the President of the General Assembly stating that he was not a candidate for reelection for Secretary-General. I told Mr. Gross that I felt very strongly that Lie should not send these letters. He replied that Lie had calmed down and had agreed not to send them. Mr. Gross said that Lie feels that there should be a decision this week as to whether or not the Security Council will take action in regard to Lie's reappointment and if not, the matter should be taken up with the General Assembly next week. I told Mr. Gross that I felt that action should be taken as soon as practicable but I was inclined to think that the time schedule might be a little too short.

I asked Mr. Gross whether there were any developments about Soviet attitude toward Lie. I told him that Jebb had told me 10 days ago that he was going to speak to Malik or Vishinsky again. Mr. Gross said that Jebb had not spoken to them but that he himself had spoken to Malik and Malik had replied that Mr. Vishinsky would have to handle this and he had no information about Soviet attitude.

I asked Mr. Gross if he knew whether Jebb had ever spoken to Chung [Tsiang?]. He said that as far as he knew Jebb had not. He said that he thought perhaps he should speak to Chung about this and I agreed with him that this would be a good idea.

After a little conversation Mr. Gross and I agreed that it would be desirable for the U.S. as President of the Security Council this month to take the initiative in polling the Security Council, especially the permanent members, regarding the reelection of Mr. Lie and decide on the basis of that whether or not there should be Security Council action or whether we should go straight to the General Assembly.

I told Mr. Gross that my own feeling was that the end result, wholly apart from whether or not there was Security Council action, should be that as soon as we are in a position to do so, we should approach Mr. Lie and ask whether or not he would be prepared to accept reelection for a 5-year term and that Mr. Lie should reply that he could not accept a 5-year term but that he would agree to serve for 3 years. I added that this was, of course contingent upon the British, French and other interested countries agreeing that he should be reelected for 3 rather than 2 years as they now propose. Mr. Gross indicated general agreement.

JOHN D. HICKERSON

IO Files: US/A/M (Chr)/148

*Minutes of the Thirteenth Meeting of the United States Delegation,
New York, October 4, 1950, 9:15 a.m.*

SECRET

[Here follow list of persons present (50) and discussion of a prior agenda item.]

*2. Appointment of the Secretary-General (SD/A/231)*¹

Mr. Hall explained that the term of the present Secretary-General, Mr. Lie, expired February 2. Under Article 97 of the Charter, both Security Council and Assembly action were required for his appointment, and the Council's action was clearly subject to the veto. In the event the Security Council failed to recommend any candidate, it would be necessary to decide what position the United States should take. He reviewed the recommendations in the position paper, pointing out the two alternative courses: amendment of the 1946 resolution to extend Mr. Lie's term, or a resolution continuing Mr. Lie in office until such time as formal action of appointment of his successor or renewal of his term became possible. Mr. Hall said that, while Lie was not entirely satisfactory since he was not as strong an administrator as we might wish, he had been generally sympathetic to our views, and his strong support for United Nations action in Korea had helped increase his personal stature.

Referring to the Security Council situation, Mr. Hall explained that there had been some preliminary informal discussions. Sir Gladwyn Jebb, in his capacity as Council President, had attempted to see Vishinsky, but the latter had not responded to his request for an appointment. The Chinese representative had publicly announced that he would oppose Mr. Lie's appointment for more than one year.

The Secretary inquired what we would wish to do if there were no difficulty with the Soviets. Mr. Hall replied that Mr. Wilgress of Canada, possibly also Mr. Pearson would be suitable; Romulo was a candidate, and Spaak had been mentioned. However, it was unlikely that any of these would receive the Soviet vote. Mr. Hall believed that Wilgress, Pearson or Spaak would be stronger men, though Mr. Lie's five years' experience could not be overlooked. The Secretary doubted that either Pearson or Spaak would desire the post. Mr. Hall thought Wilgress the best possibility.

Mr. Dulles asked what we would do in the Security Council. Mr. Hall thought this depended upon what possibility there was of getting any kind of a recommendation from the Security Council. Ambassador Gross referred to Jebb's failure to get an acknowledgement of his request for an interview from Vishinsky. The present question was whether Ambassador Austin, as Council President, should seek to see Vishinsky or discuss this subject with Malik. He had himself approached Malik who had said only that Mr. Vishinsky was dealing with this subject, and that there was no hurry. He thought it might be worthwhile to have one more talk with Malik before pressing ahead

¹ See p. 112.

in the Council. If he persisted in his deliberately dilatory course, the subject could either be thrown directly into the Assembly, a procedure to which many members might object, or be taken up in a private meeting of the Security Council without further preliminary consultations. In such a meeting we could permit the deadlock of views to become apparent, and then get agreement on the necessity for Assembly action. Mr. Gross noted that Mr. Lie wanted this subject dealt with quickly—if possible, at the next series of plenaries—time now worked against him, and delegations were attempting to make deals with him based on the fact his term was expiring.

Mr. Cohen asked whether it was not possible legally, since it looked as if the only practical alternative was Lie, to bring about this result in the quickest way. If there were no express limitation on the original Council action nominating Lie, he proposed that we should say Lie had been nominated by the Council, the Assembly had provided the five-year contract, and the only problem now was to determine what further contract could be made by the Assembly with Mr. Lie. Ambassador Austin referred to the wording of the 1946 resolution to the effect that the original appointment was open for a further five-year term. Possibly that meant the Security Council did not need to act. It was pointed out, however, that the 1946 resolution referred to the necessity of both Council and Assembly action on this point. The Ambassador thought there was the additional practical fact that many members desired to give the Council an opportunity to consider the matter.

Mr. Cohen thought there might be a little psychological difference in the way in which the Council approached the problem. The question might be put in terms of whether Lie's nomination should stand or another candidate be named. No formal action would be necessary if the Council simply permitted Lie's designation to stand. All the Charter required was the setting of the term by the Assembly. No authority would be taken from the Council. He thought it would make a difference as to how the informal discussion in the Council were handled.

Ambassador Austin stated that, on the question of procedure, he had the feeling that he might be out of line with the Delegation. It was his judgment that we would gain nothing but a violent reaction by going to the Russians on such a political matter. They would discover how strongly we felt for the candidate and then become more active in their opposition. It was his feeling that a Security Council meeting should be called without first attempting to proselyte anybody, and the Council should start on the basis that no candidate was up for nomination. He thought a solution could be approached in that

way more easily than by campaigning. The Secretary agreed that no campaigning should be done.

Mr. Dulles asked what action the Council had taken in London.² Mr. Noyes replied that it passed on a one-line recommendation of Mr. Lie to the Assembly. Mr. Dulles questioned whether Security Council action was necessary. In his view, so long as the Assembly wanted to keep Lie on, it was free to go ahead; the Assembly should decide whether to continue Lie in office or to end his term; if the latter decision were made, then the matter should go back to the Security Council.

The Secretary wondered whether there might not be constitutional arguments against this course. It seemed to him there were two alternatives. One was to take the view that the original nomination held good for all time. The other was to make an attempt to arrive at a new nomination, and if that failed, it would be common sense to keep the incumbent in office by a simple resolution maintaining him until action could be taken. Mr. Cohen had no doubt that was correct. However, on the record, so far as the Security Council was concerned, Lie had been nominated and the Assembly might keep him on. It was noted that the resolution on the appointment of the Secretary-General had been adopted before Lie's actual appointment. In this connection, Mr. Hall called the Delegation's attention to paragraph (c) of the 1946 resolution, which required action from the Security Council in the first instance.

Mr. Dulles observed that the Assembly had the power to modify its own actions. In his opinion this resolution gave no vested rights to the Security Council.

Ambassador Austin asked whether anyone knew what Lie's views were on extension of his term by the Assembly without Security Council action. The Secretary said he had lunched with Lie, and it seemed clear Lie was ready to accept this arrangement. Mr. Gross agreed.

Mr. Hall commented that General Counsel of the United Nations, Mr. Feller, agreed with Mr. Dulles' theory that Lie could be appointed by the Assembly without Council action. Mr. Tate believed legal theory could go either way. It seemed to him preferable to go to the Security Council first and bring the matter to a vote and veto; otherwise the legal situation had not been created which justified the Assembly's going ahead. Mr. Dulles thought it undesirable to subject Mr. Lie to a veto. Mr. Bancroft felt that this problem could be met by having the Council President state that the discussion had disclosed

² That is, in January 1946, at the first part of the first session of the General Assembly.

that no recommendation was possible, and that it now seemed appropriate for the matter to be referred to the Assembly, with a notation of this fact. He agreed that the matter should not be permitted to come to a vote.

Mr. Cohen still believed a different approach in the Security Council was desirable. The question should be whether the present appointment should stand; if no move were made to propose another candidate, the matter should revert to the Assembly. Otherwise, the idea could arise that the office had been permitted to become vacant. Senator Cooper wondered whether, if there were any doubt as to this being the correct legal theory, we might not stand to lose by resorting to an expedient, even admitting the practical results.

The Secretary asked how it would be to propose that the Assembly amend the resolution of January 24, 1946, by adding to paragraph (c) the following sentence: The incumbent Secretary-General shall hold office until his successor is elected, qualified and assumes office. Mr. Bancroft pointed out that this did not meet the problem of Security Council action. The Secretary thought such an amendment might be justified by indicating that it would save embarrassment of the incumbent. Ambassador Gross did not believe Lie would agree to such a procedure; He wanted firm tenure and would not consent to serve under an open-ended arrangement of any kind. From Lie's point of view he would prefer to have us struggle through to get him as long a term up to five years as possible. Mr. Hall remarked upon the fact that administrative courage was also related to a definite term.

Mr. Cohen wondered if these different points might not be reconciled in a single resolution without Security Council action. Such a resolution might provide that, no recommendation having been received from the Security Council, the General Assembly repealed the appropriate part of paragraph 4(c) and requested Lie to continue in office for a term of blank years.

Senator Lodge wondered about the desirability of maintaining the same man in this post. Mr. Hall explained that the Preparatory Commission had taken the view that he could be re-elected, but there was a general feeling that a ten-year period should be the maximum, though this was not now required. Senator Lodge thought such a limitation desirable.

Mr. Dulles believed that, from the practical point of view, it would be utterly impossible to agree on any candidate with the Soviets. They had not wanted Lie in 1946 at London, and that had been at a time when our relations with the Soviets were relatively amicable; today agreement would be impossible unless we were willing to accept a candidate they would nominate. Mrs. Roosevelt observed that the So-

viets certainly could not get the candidate they wanted and considered it possible they might be willing to accept Lie for this reason.

The Secretary inquired whether the Delegation thought some action by the Security Council was necessary. Ambassador Gross replied that at least Council consideration, though probably not action, would be appropriate. He could not quite see how the Assembly could say it had received no recommendation on a candidate if the matter had never been on the Council's agenda. It would be better for us to let it be known that we were ready to take this up in the Assembly, and then if no Member of the Council had any affirmative suggestions, the Council meeting would be strictly perfunctory. Mr. Cohen saw no objection to raising in the Council the question whether it would be desirable for it to make any other recommendation. This would put the matter in such a way that it was indicated we did not believe a recommendation was necessary but were simply raising the question so that, if there were no agreement on another candidate, it would not be necessary to submit any names, and the old nomination of Lie would be permitted to stand. Ambassador Gross believed that our advance consultations with other delegations eliminated this possibility. In response to a question from the Secretary as to what consultations had been held, Mr. Gross indicated that the matter had been discussed informally with the French, British and Canadians.

The Secretary suggested that the staff prepare a paper with a summary of the alternative procedures which might be considered. After consultations on the basis of such a paper, we could suggest a private meeting of the Security Council at which we would raise the question whether the members could agree upon a nomination, and if this appeared impossible, we would put the matter directly into the Assembly, asking repeal of the last sentence of paragraph 4(c), and requesting the existing Secretary-General to serve for a period of blank years. This was agreed.

IO Files : US/A/M (Chr)/149

*Minutes of the Fourteenth Meeting of the United States Delegation,
New York, October 5, 1950, 9:15 a. m.*

SECRET

[Here follow list of persons present (45) and discussion of a prior agenda item.]

2. *Appointment of the Secretary-General*

Ambassador Austin reported that he had discussed this question with both the Secretary-General and President Entezam. Both believed that the Security Council should be afforded an opportunity to

consider this subject before the Assembly, although they did not feel formal action would be required. The Ambassador said he had suggested that he call a private meeting at the offices of the United States Mission for the purpose of informal discussion, to ascertain whether agreement could be reached. Personally, he was sure that the Russians would oppose Lie's continuation in office. He indicated that he would follow this procedure unless the Delegation objected.

While he did not object, Mr. Dulles remarked that he did not believe it would be possible to schedule a meeting here without arousing considerable speculation as to its purposes. Mr. Bancroft inquired whether the communiqué normally issued after a private meeting would not take care of this problem. Mr. McKeever agreed. Mr. Hyde recalled that when Malik had announced his return to the Council in August the other Members had held private consultations rather than a meeting. He wondered if this could be done in this case. He had some question, however, as to whether other Members would be willing to meet outside Lake Success.

Senator Lodge asked what advantage there was in holding the meeting here rather than in a private United Nations conference room. Ambassador Austin believed that physical convenience was the primary argument. Mr. Noyes thought there was a good deal to be said for holding an official private meeting at Lake Success, both because of publicity and because the United States now held the chairmanship of the Council. A meeting at Lake Success would be in the regular routine, and no questions could be raised.

Ambassador Austin was not so confident that that would be true, but Mr. Ross agreed with Mr. Noyes. In addition to the public relations factors, he believed there was a quasi-legal problem involved since one of the purposes of consideration by the Security Council was to provide a basis for Assembly action. When the matter comes up in the General Assembly, he did not wish to see us provide any opening for charges at that time that there had been only private consultation and not Security Council action. He favored a routine approach and hoped that Assembly action could follow perhaps twenty-four hours after the Council had considered the subject. Mr. Bancroft concurred in this view.

Ambassador Austin commented that his own proposal would follow the precedent of London. Mr. Noyes said that he had been at London, and while the meeting was a private one, it had been held within United Nations facilities. Mr. Bancroft noted that there had been private meetings of the Big Five, in addition to the official Council meeting.¹ He believed it was also important for the Secretariat to be present

¹ For documentation on the 1946 meetings cited here, see *Foreign Relations*, 1946, vol. 1, pp. 141 ff.

at this session. Ambassador Austin thought that if the Secretariat were to be included, obviously the meeting would have to be held at Lake Success.

Ambassador Austin believed that the delegation's discussion led to the conclusion that shortly before the General Assembly took up this subject, he should call a private meeting of the Security Council at Lake Success to consider the matter. There was general agreement.

[Here follows discussion of another subject.]

310.5/10-1350 : Telegram

*Extract From Daily Secret Summary No. 75 From the United States Mission at the United Nations, New York, October 13, 1950, 4:00 a. m.*¹

678. Security Council [October 12] . . .

Jebb (UK) observed that some seemed to favor continuing Lie for a period, but all were not agreed on the "exact modalities" for achieving this. He wanted to know if a majority favored the principle of continuing Lie; if so, the particular term could be worked out. On the latter point, Jebb did not think it strictly necessary for the SC to make a positive recommendation as the matter could be left to the GA. He added his support for Lie as one who deserved well of the UN and who was a popular figure; besides, it was not likely that agreement could be obtained on anyone else.

Lie's candidacy was not acceptable, Malik² asserted. He nominated Modzielewski,³ an "outstanding statesman" who had participated in several GA's for the Polish Delegation. Sunde (Norway) warmly supported Lie, whose appointment had been an honor to Norway. Universal confidence in Lie had proved fully justified; UN had grown much in the past five years but was still in the midst of momentous development which should continue under Lie's firm guidance, Sunde asserted.

US Support for Lie

Austin similarly backed Lie, who had performed with "unusual skill" the varied problems confronting him. Lie had good judgment, an understanding mind and a kind heart, Austin continued, and the UN could not afford a hiatus in the leadership of the Secretariat. He believed technical objections to "prolongation" could be dropped provided it was clear that Lie's reelection was acceptable.

¹ Many subjects were summarized in the Mission's daily summary series. Only items which deal with the question of the Secretary-General are printed here and in subsequent summary telegrams. In some instances these accounts are shortened.

² Yakov A. Malik, Permanent Representative of the Soviet Union at the United Nations.

³ Zygmunt Modzelewski, Polish Minister of Foreign Affairs.

If the SC disagreed on a specific term, Austin continued, the SC should do only its part of making the recommendation and could let the GA set the period, although there was merit in guiding the GA in that regard. He favored a five-year term for Lie, but was willing to meet others' views. Citing a letter from the AAUN Board of Directors urging Lie's reappointment, Austin said this was his own stand. On Modzielewski, Austin said he would oppose it because he so strongly favored Lie.

French Views on Problem

Chauvel (France) agreed the SC's essential task was to recommend a name; questions of prolongation, renewal or length of term were side issues. He endorsed Austin's attitude on Lie and supported the SYG as competent and qualified, but wondered if the SC was in a position to get a solution of the matter since the USSR opposed Lie and the US rejected Modzielewski. Austin promptly explained that he had no intention of vetoing the Soviet nomination, but would abstain.

In a "difficult position," Rau (India)⁴ said he had just learned of the Soviet nomination and needed time to get instructions. If this proposal were put to the vote now, we would have to abstain. Malik disagreed with the support for Lie because the SYG had not evinced objectivity and had unswervingly sought to change the UN from an impartial organization into an implement of the policy of the group headed by the US. He commented that he had even told Lie what one delegate had remarked: "When in Europe, Lie is UN SYG; when in the US, he is an Assistant Secretary of State of the US."

Soviet Reasons for Opposition

Malik complained of Austin's reading of a private communication and said this was a pressure move; he could find many private letters giving a different appraisal of Lie. In defense of his nomination, Malik read a biography of Modzielewski, who had been Chairman of the Polish Delegation to the 1947 GA. He scorned Austin's magnanimity in not vetoing the Soviet nomination, and observed that he would be equally magnanimous if he were as sure that the opposition candidate would fail without need for a veto.

Recalling he had first suggested the reelection of Lie, who had been maligned by Malik, Bebler (Yugoslavia) outlined his past nine months' experience with Lie since his assumption of Yugoslavia's SC seat. Lie, he said, had sought to get great power cooperation during the recent crisis, had gone to Moscow in the hope of arranging a periodic SC meeting and strongly favored New China's admission to

⁴ Sir Benegal Narsing Rau, Permanent Indian Representative at the United Nations.

the UN. As for Modzielewski, Bebler concluded, Yugoslavia's opposing vote was justified for the reason that the candidate was Foreign Minister of a country participating in an aggressive campaign against Yugoslavia.

Doubt as to Pole's Impartiality

Chauvel added that the post called for human qualities more than technical qualifications, and he doubted if a Polish Foreign Minister would show as much impartiality as Malik indicated was necessary. Because he lacked instructions on this proposal, he would abstain, Chauvel explained.

At this point, Austin announced he was putting the Soviet proposal to the vote but Malik objected, suggesting postponement to allow delegations to obtain instructions. Austin said he would continue with the vote and ruled Malik out of order, but the latter insisted on his point and formally proposed deferment. This was rejected 3 (Egypt, India, USSR)-2 (US, Norway)-6.

Vote on two proposals

The Soviet proposal recommending Modzielewski was defeated, 1 (USSR)-4 (Cuba, China, Ecuador, Yugoslavia)-6. Bebler, noting the term of office question had been raised, formally proposed that the SC decide to recommend to the GA that Lie be "reappointed" as SYG. This move received the vote of 9-1 (USSR)-1 (China), and Austin announced it was rejected because the negative vote had been cast by a permanent member.

Citing the precedent of Makin's (Australia) letter as SC President to the 1946 GA, Austin said he would write GA President Entezam on what had transpired. Malik thought there might be a meeting on this letter, or alternatively, Austin could draft a letter which would stand if no one objected. Jebb preferred a text stating simply that the SC had discussed the question and found itself unable to make any recommendation.

IO Files : US/S/1503, US/A/2729

Memorandum of Conversation

CONFIDENTIAL

[New York,] October 17, 1950.

Participants: Ambassador Jacob Malik, Soviet Delegation
 Mr. Startsev, Soviet Delegation
 Ambassador Warren R. Austin, U.S. Delegation
 Ambassador Ernest A. Gross, U.S. Delegation

At 12:30, at his own request, Malik called upon Amb. Austin to discuss the question of the UNSYG. Malik began by referring to

the call he had made upon Mr. Dulles the preceding midnight ("Russian working hours") to outline the Soviet position regarding the SYG. He said the Soviet Union was opposed to Lie, whom they considered "two-faced" in his dealings with the United States and with the U.S.S.R. According to Malik, Lie "said bad things about the United States to the Soviet Government", and, according to their information, said "bad things" about the U.S.S.R. to the United States Government. Lie's continuance in office would not help in improving the relations between the two governments and therefore "would not help the cause of peace". It was important to the UN to have an SYG acceptable to everyone, and Malik "firmly believed" that further consultations would produce someone mutually satisfactory. He felt there was "mutual fault" in not having consulted earlier.

Ambassador Austin outlined the U.S. position, making the following points: (a) We believed that Lie had done as good a job as could be done under very difficult circumstances. Anyone in his position had to maintain access to all U.N. members, and by doing so was inevitably vulnerable to criticism sometime or other. We had not always agreed with him, and indeed in some instances he had made it extremely difficult for us. But, continued Amb. Austin, Lie had tried to be honest and had won the personal respect and confidence of Amb. Austin. (b) Time and events had gone by and it was extremely difficult to take up this question again at this late date. We had publicly made our position clear regarding Lie, and had openly committed ourselves to his support. In order to justify a change in our position, we would have to be in a position to demonstrate some good reason for such a change. Our position was clear and honest and we intended to keep it so. Malik had lived in the U.S. long enough to realize the force of American public opinion and the necessity for justifying to the people actions taken by the government. Nothing that Malik had said furnished any such justification. If the Soviet Union were suggesting some concrete proposals which might in fact demonstrate their will or intention to strengthen peace, then arguments might be made for our considering a change of position. But nothing of the sort was being suggested by Malik. (c) The Security Council had considered the matter, and after voting down the only suggestion offered by Malik, had voted 9 to 1, with one abstention, in favor of extending Lie's term. This fact gave great strength and prestige to the matter. The Soviet Union stood alone in the Security Council, and was in effect thwarting the will of the majority.

Malik asked what Amb. Austin had in mind in referring to "proposals to strengthen peace". Amb. Austin said he meant, for example, the failure of the Soviet Union to take action within its power to halt the aggression in Korea. This aggression was continuing and was

costing lives every day, but the Soviet Union stood by and did nothing to urge the aggressors to comply with U.N. decisions.

Malik repeated his earlier statement that the "cause of peace" would be helped if an SYG could be found who was acceptable. He said it was bad for the U.N. to have an "illegal or half-legal" Secretary-General and that if Lie were appointed by the G.A. without S.C. recommendation, this would violate the Charter and the G.A. Resolution of 1946.

Amb. Austin pointed out that it would have been helpful if the Soviet Union had consulted with us about this question in a more timely manner.

Malik replied that the Soviet Delegation had not realized the question was going to be taken up so soon or acted upon so quickly. He repeated that there had been "mutual fault" in not having consulted earlier. He said he just found out the preceding afternoon that there was to be a plenary session of the Assembly on Wednesday.¹ (He had heard since that it was to be held Thursday instead.)

Amb. Gross reminded Malik of the efforts which in fact had been made to develop consultations in September and early October. In September, Sir Gladwyn Jebb had sought an interview with Vishinsky to discuss the matter, but had not received the courtesy of a reply. In the last week of September, Amb. Gross had mentioned this to Malik, who had replied that "there was plenty of time". When Gross demurred, saying that the question should be settled early in the Assembly and that we would be glad to have Soviet views, Malik had replied that Vishinsky was handling the question and "that there was no hurry". The same response had been given by Malik to Gross a week later, when the latter raised the question.

Malik did not deny the foregoing, saying only "perhaps we were at fault".

Amb. Austin commented that although it seemed too late to reopen the question of the SYG at this stage, perhaps some good might come out of the incident since it showed again the desirability of the Soviet Union being willing to consult in advance. Austin reminded Malik of the former's belief in the value of consultation and hoped there would be more of it.

Malik professed strong agreement with these comments and said he was always ready to consult about anything.

Returning to the question of the SYG, Malik repeated his "firm belief" that agreement could be reached upon another candidate and that this would strengthen the U.N. and the cause of peace.

¹ October 18.

Amb. Austin suggested the matter might be solved by the Soviet Union agreeing to the reappointment of Lie, thereby achieving unanimity and giving effect to the will of the majority.

Malik replied that this was "impossible". But he felt that further efforts to find someone else would be successful. He did not believe the matter had been exhausted. He had suggested one candidate, Modzelewski. "Another candidate, Lie, had been proposed". This was not a sufficient effort to find agreement. The Soviet Government could not justify to their people or to themselves such an inadequate attempt to reach an agreement.

Gross asked whether Malik could explain more fully what their objections to Lie were based upon. Malik replied he had already stated their objection—that Lie was "two-faced" in his dealings with our two governments.

Amb. Austin indicated there was not much more to be said on the subject at this conference.

Malik said: "It seems I have received a firm 'niet' ". He thereupon requested Amb. Austin to call a private meeting of the S.C. either this afternoon or Wednesday morning so that Malik "could explain his position".

Amb. Austin expressed the view that it would not be possible to arrange for a meeting this afternoon. However, he said he would consult his colleagues on the Council and advise Malik during the afternoon regarding a private meeting of the Council Wednesday morning.

310.5/10-1950: Telegram

Extract From Daily Secret Summary No. 80 From the United States Mission at the United Nations, New York, October 19, 1950, 1: 57 a. m.

697. Security Council [October 18] . . .

Explaining his reasons for requesting this SC meeting, Malik (USSR) said he had learned of plans to schedule a plenary discussion on the SYG's appointment within the next few days, and considered such haste unjustified. It was the duty of members to seek an agreed and correct solution in accordance with the Charter and the rules. The impression had been created, he continued, that a deadlock had been reached. Such an impression was harmful to the UN's prestige. In reality, he added, the fact that the Council had not agreed on the two candidates previously discussed did not mean that an attempt to agree on some other possible candidate was excluded.

The USSR was willing to consider other possibilities, Malik went on, indicating qualified candidates could be found among political

leaders, former GA Presidents, Foreign Ministers or UN Delegations, "particularly from Latin America and Asia." Efforts must be made to reach concerted action on this question, since "illegal extension" of Lie's term might create the unfortunate impression that the UN could not even agree on such a question as SYG. In the light of these considerations, he had therefore asked for further SC discussion.

Indian Proposal Detailed

Rau (India) believed it desirable, if at all possible, to make a positive SC recommendation re the SYG post, exploring all possibilities to this end. Using the method of election to the ICJ as an analogy, he suggested that each of the Council members submit two names on a secret ballot, resulting in a list of a maximum of 22 candidates and probably considerably smaller.

Before the list was made known to the Council as a whole, Rau proposed, the Secretariat should submit it to the five permanent members, which would eliminate the names of any person that was unacceptable to any of the big five. This, he thought, would result in a very short list, would help to avoid use of the veto and would give maximum chance for agreement. If this plan ended in another deadlock, Rau said the SC would of course have to report this result to the GA.

Noting the need for at least 24 hours to obtain instructions from his government, Jebb (UK) stated that at first sight, the "ingenious" Indian scheme seemed a possible way out of the difficulty. However, he conceived the possibility that a deadlock also might result if a candidate so narrowed down for consideration failed to receive the required number of votes in the Council itself. Since no one seemed to want to put a name out into the open at this meeting, Jebb considered India's secret ballot idea might provide the solution.

French, Chinese Support

Chauvel (France) also found Rau's suggestion "ingenious" and a possible way out of the deadlock. Although there was no assurance that positive results would come about, he was prepared to agree to the plan. Tsiang (China) termed it a satisfactory and fair proposition, which he would like to see adopted.

Ecuador had already stated "sympathy" for the work of Lie, Quevedo (Ecuador)¹ recalled, and was confident the SYG had the support of a large number of members. He agreed, however, that all possibilities should be explored toward achieving a positive recommen-

¹ Antonio Quevedo, Permanent Representative of Ecuador at the United Nations.

dation. The Indian plan seemed ingenious to him, too, particularly the idea of each member submitting two names. Quevedo moved for 24- or 48-hour adjournment to permit instructions from governments, but he thought this delay might be utilized by the big five for preparatory consultations on the subject.

When President Austin indicated this motion required an immediate vote, Quevedo made clear that he did not intend to shut off comments at once, and suspended his proposal for a "while." He mentioned the USSR views, particularly, would be interesting to have. Austin accepted this.

Quevedo's reference to Lie apparently prompted Jebb to remark that he also was "not oblivious" of the fact that the UK and others had voted for Lie at the last meeting. If the Indian plan were adopted, he thought it probable the SC would subsequently find itself in the situation as now. He said he stood by his own previous position, but on the other hand the SC might be able to arrive at a name acceptable to the majority. If unanimity were possible, the Council should aim for it. However, a new candidate able to get seven favorable votes would have to be "very exceptional." The only qualm he had, Jebb said, was that more delay in the matter would work hardship on Lie and the Secretariat.

Reference to Big Five Exchange of Views

The Cuban spokesman ² agreed that instructions were necessary on the "ingenious" Indian proposal. On details of Rau's suggestion, Jebb wondered if it would be possible for the big five simply to strike off the names of any unacceptable candidates and put these back in the ballot box, without having consultations. Rau replied that he had thought of that originally, but on reflection decided that an actual meeting and exchange of views among the big five would have important benefits. Tsiang commented that at the big powers consultation those who wished could express views and those who felt otherwise could confine their participation to scratching off unacceptable names. Rau admitted there would be an opportunity for, but no guarantee of, exchange of opinions.

The Indian proposal, Malik declared, had merits and deserved serious consideration. Its advantages were that: 1) the SC was enabled to make another serious attempt at an agreed decision, "the basic SC task"; 2) each member could secretly nominate one or two candidates; 3) big five consultations would follow—an important point. The question arose, he said, when these consultations should occur.

² Probably Dr. Carlos Blanco, Alternate Representative of Cuba in the Security Council.

With reference to the Ecuadoran remark, Malik expressed preference for consultations after nominations had been submitted. He believed the Indian plan could be adopted.

Re the UK comment on the "inconveniences" to the SYG and Secretariat caused by further delay, Malik found no basis for such consideration. Lie, he believed, had full powers and rights until February 1951. Time was required on this important matter. Much time had been taken in selecting Lie in the first place, in 1946, he recalled.

Fawzi (Egypt)³ indicated agreement with previous points, and asked about the timing of the next meeting on this subject, since the SC was already scheduled to discuss the Palestine question Friday afternoon, Oct. 20. Jebb suggested a closed meeting prior to the open meeting Oct. 20, believing that if instructions had been received, the Indian-proposed nomination system would take only a short time.

Austin said he was not going to discuss merits or demerits of the Indian idea, but felt it should be submitted in writing and circulated. This was agreed to.

Austin's Comments

It was quite important, Austin added, that everyone should consider the probable effects of the element of striking off names. Whatever the intention of the proposal, he asked the Council to consider which would be the first name stricken. Nine members had voted for Lie; did they now want to march downhill, he asked, and adopt a plan that would strike him off the list? Is the spoken word without value, he continued; is there no integrity?

Under the Indian plan, Austin pointed out, one of the big five could draw a pencil through all the names on the ballots, leaving just a blank. Was this correct? He was merely posing these questions, he said, wishing to see the proposal in writing. He reserved the right to make a strong plea to Lie's previous supporters to adhere to their position and not be swayed by the "one vote against nine."

Norway Recalled "Background"

Associating wholeheartedly with Austin's comments, Sunde (Norway)⁴ conceded the Indian plan was ingenious and would have been fair in normal circumstances. But, he felt the background in this case must be borne in mind. He recalled Tsiang's opposition to Lie developed from the SYG's position on Communist China, while the USSR objections were due to the Korean case.

³ Mahmoud Fawzi Bey, Permanent Representative of Egypt at the United Nations.

⁴ Arne Sunde, Permanent Representative of Norway at the United Nations.

Sunde reminded the Council that Lie was the USSR candidate in 1946 and had been *persona grata* in Moscow up to June 25 this year. He quoted excerpts from a radio interview with Katz-Suchy (Poland)⁵ Oct. 16 when the latter stated it would take too long to explain why Lie had forfeited the confidence of nations, but that it was "enough that he recognized the NK Government as an aggressor even before any decision" by a UN body.

Was it the USSR's intention, Sunde asked, to punish Lie for taking correct action under the Charter? A SYG could never be "neutral" in regard to the Charter but must defend it as he had done on this occasion. He had acted in a perfectly legal way, on the basis of UNCOK's information, Sunde declared.

Soviet "Victory" in Korea

Since Lie was being punished for backing up the majority viewpoint in the Korean case, Sunde indicated that a reversal of position on Lie now would be like a reversal of policy on Korea. "If the USSR succeeded in eliminating Lie under these circumstances," he continued, "this would be tantamount to a Soviet victory in the Korean War."

Chauvel replied that this was not the time for an impassioned debate. He also expressed surprise at Austin's interpretation of the situation, and asked, "Are we in a deadlock or not?" Here, under the Indian plan, was an opportunity to verify whether a deadlock existed. Aside from consideration of personalities, Chauvel thought another effort at an agreed decision should be sought.

Since this was not a "pre-election" meeting, Malik asserted, there was no point in defending one candidate or another. He did not agree that any declaration had been made to the world re a particular candidate; the Council had merely reported inability to reach agreement.

Replies to Norway

Malik "understood" Sunde's "fiery speech in behalf of a compatriot," which was not "very modest," but felt there were no grounds for such an attack on the USSR. The reference to the Polish statement was completely irrelevant, since the USSR was not responsible for such statements. Lie had served five years, he added, but this did not mean an incumbency for life.

In further reply to Sunde, Tsiang admitted that China objected to Lie's re-election but had not carried its view so far as to prevent

⁵ Juliusz Katz-Suchy, Permanent Representative of Poland at the United Nations.

the UN from having any SYG. He hoped others would take as reasonable a position so that a new SYG, without any tinge of illegality or without shadow of passionate controversy, would be appointed. Korean policy devolved from the policy of the SC and GA, not from that of any one person, Tsiang declared. He could not see how a changed position re Lie would mean a reversal of UN policy on Korea.

Sunde expressed appreciation for Tsiang's attitude on Lie, and repeated his statement to Malik that Lie had been *persona grata* in Russia up to June 25. Fawzi hoped no one wanted to "slam the door" in the face of conciliation efforts, and interpreted Rau's suggestion as an effort merely to "open the door." The Council should have more patience with conciliation ideas. Rau indicated that Fawzi had interpreted the Indian position precisely.

As Austin prepared to call a vote on the Ecuadoran motion for a 48-hour postponement on Rau's suggestion, Quevedo pointed out that time itself had taken care of the adjournment factor. The next meeting might be scheduled by the President, he thought. Fawzi supported Jebb's suggestion for a 2:30 meeting Oct. 20, with the open meeting on Palestine to follow later. Several delegates suggested an hour would not be sufficient to reach a decision on the Indian plan, but Austin indicated the Council could always adjust its schedule.

315/10-1850: Telegram

*The Secretary of State to the Embassy in the United Kingdom*¹

TOP SECRET NIACT

WASHINGTON, October 18, 1950—11 p. m.

2011. Please deliver the following as a personal message from the Secretary to Mr. Bevin:

"I fear that the question of the appointment of a Secretary General has now reached a point which threatens to develop an unpredictable

¹ Repeated to Paris as No. 2024 with the following introductory sentence:

"Please deliver the following message from the Secretary to Mr. Schuman deleting paragraph 10, page 6." The reference presumably is to the last paragraph of the quoted text.

Repeated to Quito as No. 73 and to Habana as No. 148 with the following introductory statement:

"The following is text of a personal message from Secy to Bevin and Schuman. Please take up with ForMin along general lines of message but not as personal message from Secy."

Repeated to Mexico City as No. 377 with the following introductory statement:

"The following is the text of a personal message from Secy to Bevin and Schuman. Please take up with ForMin along general lines of message stressing importance we attach to carrying through proposal to continue Mr. Lie in office. Persistent rumors Lake Success among various delegations re Padilla Nervo as possible candidate."

situation, with potentially grave consequences to the United Nations. You have undoubtedly been advised by your delegation of the developments of the past week. You will be aware that at the Security Council meeting of Oct. 12 the Council rejected the Soviet proposal to recommend the appointment of Mr. Modzelewski, Polish Foreign Minister and voted by nine votes in favor; one vote (China) in abstention and one vote (Soviet) against the recommendation of Mr. Lie. The Council then agreed that Ambassador Austin as President of the Council should notify forthwith the President of the Assembly of the fact that the Council had been unable to reach agreement on the appointment of a Secretary General. Such a letter has been sent and published.

On Oct. 17 the Soviet Union called upon Ambassador Austin and requested a private meeting of the Security Council which was held the morning of Oct. 18. The ostensible purpose of the Soviet Delegation in requesting the meeting was to express its view that inadequate opportunity had been afforded to members of the Council, that the Soviet Union believed it possible to reach agreement upon a candidate if further opportunities for consultation were presented and that the appointment of Mr. Lie by the GA would be undesirable under the circumstances, because of the failure of the Security Council to agree upon this recommendation and because of the consequent alleged (illegality) of his position if he should be selected by the Assembly in the absence of a Security Council recommendation.

At the 18th Oct. Security Council meeting, the Indian Delegation proposed a procedure which undoubtedly has been reported to you. The essence of the Indian proposal is that each member of the Council should secretly name two persons whom it proposes for appointment as Secretary General, that the full list of persons so nominated be furnished to each of the permanent members of the Security Council, that the permanent members shall thereupon meet and, after consultation with each other, submit to the Council a revised list containing only such names out of the original list as none of them would vote against. A copy of the revised list would then be furnished to every member of the Security Council and then, after a delay of not less than three days, the Council would proceed to elect from such of the candidates as had not withdrawn in the meantime, the person to be recommended for appointment as Secretary General.²

² U.S. reaction to the developments in the October 18 (private) meeting of the Security Council was described to the U.S. Delegation on October 19 as follows:

"It was our position to oppose the Indian proposal on the ground that it involved reopening the question and a series of secret nominations. We felt the Russians should make their proposals publicly. We believed the proposed tactic would put Lie out of the running. The present situation was somewhat delicate. We

Footnote continued on following page.

During the past two days or so I am reliably informed, the Soviet Delegation has been approaching numerous delegations holding out inducements of support for candidates whose selection would be of natural interest to the delegation concerned. For example, the Soviet Delegation appears to have advised a number of Latin American Delegations that it would be prepared to accept any Latin American candidate put forward by a Latin American caucus. The Soviet Delegation, in similar manner, appears to have approached the Indian Delegation with the suggestion that it would be prepared to support an Indian nominee. This afternoon, I am informed, Mr. Vyshinsky suggested to Romulo that the latter would be an acceptable candidate.

I am convinced that these actions by the Soviet Delegation are designed as a maneuver, the primary purpose of which is to defeat the candidacy of Mr. Lie. Some weeks prior to the meeting of the Security Council at which this question was discussed, efforts were made to develop consultations with the Soviet Union regarding the problem. You will recall that Jebb sought an interview with Vyshinsky while the former was President of the Security Council and his approach was not acknowledged. Similarly the U.S. Delegation, on two occasions unsuccessfully sought to develop consultations on this matter with the Soviet Delegation. At the meeting of the Security Council of Oct. 9 and Oct. 12, full opportunity was presented to all members of the Council to propose candidates. The only names offered were Modzelewski and Lie. Ambassador Austin on behalf of the U.S. firmly committed the U.S. to the support of Mr. Lie. The delegations of the UK and France voted for him.

In view of all the developments referred to above and in the light of the obvious design of the Soviet Union in staging these last-minute maneuvers, I believe the time has passed when we can afford to take the risk of re-opening the entire question. The procedure proposed by the Indian Delegation, however well intentioned, would have two inevitable, and to my mind undesirable consequences: (1) From a psychological and political point of view, it would be viewed as nullifying the action taken by nine members on Oct. 12 without any reason or publicly demonstrable justification. This would damage the prestige

Footnote continued from preceding page.

did not know whether we could stop the Indian proposal. The United States and India were in opposition, while Ecuador and Cuba were uncertain. Ecuador had indicated it would propose or support another meeting of the Big Five on this subject. . . . The personal messages of the Secretary to Bevin and Schuman were being repeated to Cuba, Ecuador and Mexico to discourage Padilla's candidacy." (minutes of the 24th meeting of the U.S. Delegation, October 19, IO Files, Doc. US/A/M(Chr)/159)

of the Security Council by stultifying the clearly expressed majority and would seriously damage the prestige of Mr. Lie which that vote implied. I believe these conclusions flow logically from the fact that the first fruit of the procedure suggested by the Indian Delegation would be the deletion by Soviet action of Mr. Lie's name from the list of candidates. (2) The Indian suggestion would almost certainly result in a blank slate. This would therefore merely produce frustration and thereby also tend to diminish the force of the action taken on Oct. 12.

In the discussions which have taken place between our delegations and the French Delegation, I have understood that there was a consensus of view that there was indeed no practical alternative to the redesignation of Mr. Lie as Secretary General. Nothing that has happened in the past few days has shaken my belief that this remains the case. I am sustained in this view by the transparency of the Soviet maneuvers.

There is little doubt in my mind that the strongly expressed Soviet objection to Mr. Lie must be based in large, and perhaps decisive measure, upon his attitude toward the Korean aggression. All of us have at times disagreed with certain actions of Mr. Lie, and this was to be expected because of the nature of the duties of his office and the difficult period through which he has been serving, but the Soviet Union now seems determined to treat the question of the reappointment of Mr. Lie as a test of the validity of the actions of the UN taken with respect to Korea. The U.S. Delegation advises me that this is well understood by many of the delegations which have been approached by the Soviets and, most significantly, have been understood in this light even by those delegations who might superficially have much to gain by the selection of a candidate from their own country or region.

I can well understand the delicate position in which you might find yourself in the face of a proposal for the selection of a national of a Commonwealth country.

Yet I am convinced that we should hold firm to the choice which has been registered by nine members of the Security Council and which the Soviet Union now seems determined to upset, primarily as a means of demonstrating its power to thwart the majority will of the UN membership. Moreover, unless we hold firm to the choice already registered, we are faced with a completely unpredictable situation with regard to the selection of a new Secretary General and with the certainty that any alternative candidate who might ultimately be selected would be regarded, however unjustly, as a choice brought about by coercion and continuously subjected to the pressure of those who do not hesitate to enforce their own will in the teeth of clear majority sentiment.

I earnestly hope that in the light of all these considerations, you will conclude that your delegation should not vote in favor of the Indian proposal.

I am sending a similar message to Mr. Schuman."

ACHESON

IO Files: US/A/2722

*Memorandum of Conversation, by Mr. Edward P. Maffitt of the
United States Delegation Advisory Staff*

CONFIDENTIAL

[NEW YORK,] October 19, 1950.

Participants: Ambassador Carlos Blanco—Cuban Delegation
Ambassador Warren R. Austin }—United States
Edward P. Maffitt } Delegation

Dr. Blanco called at his request on Ambassador Austin this morning. He opened the conversation by saying that Cuba and Ecuador, as Latin American representatives on the Security Council, have a responsibility which places them in a delicate situation with regard to the Secretary-General matter. He said that among the Latin Americans there was a feeling that the Indian proposal offered a means of conciliation and should be followed up. Cuba's instructions were clear and it would continue to support Lie. It also felt that nothing would come of the negotiations proposed by the Indians and that, therefore, in the end the result would be the same since the Council would come back to its position as set forth in its President's letter of October 12 to the President of the General Assembly.

Ambassador Austin said that the question is not a purely administrative one, as it might appear on the surface, but has broad and deep political and moral implications. He said the present attempt at eliminating Lie—which obviously would be the first consequence of adoption of the Indian proposal—was an attack from the enemy of the UN, the Soviet Union, and, if successful, would have far-reaching effects, viz.: It would directly affect the morale in Korea since to change the Secretary-General at this time of approaching victory would be to abandon the man whose uncompromising stand against aggression had become a symbol. It would be a triumph for the Soviet Union, which had given at least moral support to the aggressors, over the Members of the United Nations which had made great sacrifices to arrest and repel the aggression. The soldiers themselves, and their families, would not understand the Security Council's abandoning Lie after having apparently committed its support to him by an overwhelming majority. Furthermore, changing the Secretary-General at this point, when the UN is about to undertake a vast program of

reconstruction and rehabilitation in Korea, would have unfortunate repercussions in the United States Congress which would not have the same confidence in an untried man. Since it is the United States that is furnishing a very heavy part of the men, money, materials, etc., for the UN Korea effort, any hesitation from the Congress to continue authorizing such sacrifices would be unfortunate. Dr. Blanco should clearly understand that this was in no way a threat but simply an analysis of a situation with which Ambassador Austin, as a former Senator, was quite familiar. Finally, the questions of integrity and stability entered into it and exposed the countries who had voted for Lie to the accusation that they lacked these qualities.

For the above reasons the United States would face the risk of being accused of intransigence or high-handedness, as Soviet propaganda would be sure to do, and would vote against the Indian proposal.

Dr. Blanco said that his country was as firmly behind Lie as we, but, because of the feeling in the Latin bloc, felt that some gesture of conciliation was necessary. Could the United States accept an amendment to the Rau proposal which would exempt Lie and Modzielewski from the lists and thus leave Lie available should no other name be found to have no objection to it?

Ambassador Austin remarked that the word "conciliation" was sweet, but that in this case it was the sweetness of arsenic, which kills. The whole Soviet maneuver was a trick and a trap and we should not be blinded to its danger by words having a high appeal. The amendment would not be acceptable to the United States because it would not avoid the confusion which was obviously one of the Soviet's aims in its attempt to get the Council to surrender after administering a sound defeat to the Soviets on the Lie matter.

[Here follows further discussion.]

EDWARD P. MAFFITT

310/10-1950: Telegram

The Secretary of State to the Embassy in India

TOP SECRET NIACT

WASHINGTON, October 19, 1950—11 a. m.

584. For the Ambassador. There follows text Deptel 2011 to London Oct 18 personal msg Sec to Bevin also Paris Schuman. At your discretion you may use this info to explain our position to Bajpai or Nehru.

[Here follows text of Deptel 2011, printed on page 146.]

ACHESON

315/10-1950 : Telegram

The Secretary of State to the Embassy in Norway

TOP SECRET

NIACT

WASHINGTON, October 19, 1950—2 p. m.

288. Text set forth below was sent as personal message from Secy to Bevin and Schuman. Norway spoke against Rau proposal in SC mtg Oct 18. However, USDEL now reports Del divided on position to be taken in SC mtg Fri and has requested instrs from FonOff. Pls take up matter urgently with FonMin along lines message stressing importance US attaches to rejecting Rau proposal and carrying through proposal continue Lie in office. Do not use as personal message from Secy and do not disclose such message has been sent to Bevin and Schuman.

[Here follows text of Deptel 2011 to London, October 18, printed on page 146.]

ACHESON

315/10-2050 : Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

TOP SECRET

NIACT

LONDON, October 20, 1950—noon.

[Received October 20—9 : 10 a. m.]¹

2268. Before receipt October 19 of Secretary's personal message to Bevin (Deptel 2011) Foreign Office had drafted and Cabinet had approved instructions to Jebb directing (1) that he give no encouragement to Indian proposal reopening nominations for SYG, (2) that if his were seventh vote necessary to carry resolution he abstain and (3) that he support extension of Trygve Lie's term.

In light of Secretary's message, a revision of Jebb's instructions, authorizing him to vote against Indian proposal, has been prepared and matter is being considered by Cabinet again this morning.

Information submitted by Jebb October 19 indicated that there might be six votes in favor of resolution (those of USSR, India, France, Cuba, Ecuador and Egypt. Yugoslavs expected to abstain). On this assumption without Jebb's vote resolution would not receive necessary seven votes and his abstention would defeat resolution. It is possible therefore Cabinet may decide that it would be preferable in order not to irritate the Indians to have Jebb abstain in case his is casting vote rather than vote against Indian resolution.

¹ Marginal notation: "Mr. Sandifer (UNA) informed 9 : 40 a. m."

Foreign Office has promised to let Embassy know as soon as information on Cabinet decision received.²

Sent Department 2268, repeated niact information Paris 651.

DOUGLAS

² In telegram 2271, October 20, 1 p. m., from London, the Embassy notified the Department: "Foreign Office informs us following Cabinet consideration instructions sent to UK delegation to vote against Indian Resolution (Embtel 2268). Reply to Secretary's message (Deptel 2011) forwarded through British Embassy." (315/10-2050) This cable was received in the Department at 8:56 a. m. and the message relayed to the Deputy Assistant Secretary of State for United Nations Affairs (Sandifer) at 9:40 a. m.

310/10-2050

*Memorandum of Telephone Conversation, by the United Nations
Adviser, Bureau of European Affairs (Raynor)*

SECRET

[WASHINGTON,] October 20, 1950.

Participants: Mr. J. G. Boyd, British Embassy
G. Hayden Raynor, EUR

Mr. Boyd called me this morning at 10:35 to give me urgently the reply received from Mr. Bevin to the Secretary's message to him regarding the Secretary Generalship of the UN. In essence, Mr. Bevin's message, as I took it down during the telephone conversation, is as follows:

"Thank you for your message regarding the Secretary Generalship of the UN. Before I received your message I had mentioned this question to the Cabinet who for much the same reasons as those contained in your message had come to the conclusion that we should continue to support Mr. Lie. Instructions have been sent to the U.K. Delegation in New York to vote against the Indian proposal."

Mr. Boyd commented that the instruction sent to New York contained the statement that it appeared in London that this Soviet maneuver was not so much directed at Lie personally as it was at the UN policies in general. Under these circumstances London feels that any alternative candidate would find himself in a very unsatisfactory position during his incumbency.

The above message will be confirmed in writing by the British Embassy.

G. H[AYDEN] R[AYNOR]

320/10-2050 : Telegram

The Ambassador in Mexico (Thurston) to the Secretary of State

TOP SECRET PRIORITY MEXICO CITY, October 20, 1950—11 a. m.

530. I discussed with Acting FonMin last night contents Department's top secret 377, October 18.¹ Tello² stated was well acquainted

¹ See Deptel 2011, October 18, to London, p. 146.

² Manuel Tello, Mexican Under Secretary in Charge of Foreign Affairs.

with problem. He spontaneously informed me that the SovDel advised Padilla Nervo it would support his nomination for the Secretary Generalship but that Padilla Nervo notified Ross³ and Lie he will not permit use his name in what is obviously maneuver.

Furthermore Padilla Nervo (to whom Tello immediately telephoned in my presence) has been instructed support in General Assembly re-designation Lie as Secretary General and not to support Indian proposal.

It may be of interest to Department that Tello expressed doubt as to legality Assembly action in absence of Security Council agreement but felt that possible this legal point might not prevent Assembly from extending the term of service which it originally fixed for the Secretary General. He added that Lie is not universally popular in the UN and that if this procedure is attempted there will be opposition extension his tenure for more than minimum period required to overcome present crisis—certainly for no longer than “two or three years”. Tello furthermore expressed opinion that Indian proposal if made prior to Soviet veto in Council would have possessed great merit but that having been presented after that occurrence, its acceptability and usefulness are of course impaired.

THURSTON

³ John C. Ross, Deputy United States Representative in the Security Council. Several memoranda of conversations between members of the U.S. Delegation and Dr. Padilla Nervo, October 19 and October 20, are not printed. (IO Files, Docs. US/A/2718, October 19; US/A/2724, October 19; US/A/2723, October 20)

320/10-2050: Telegram

The Ambassador in Cuba (Butler) to the Secretary of State

TOP SECRET

HABANA, October 20, 1950—3 p. m.

146. Minister Dihigo¹ was informed last night of Department's views re Secretary General of UN along lines of Deptel 148, October 18.² Dihigo said he was inclined agree recent Soviet actions in SC are transparent maneuvers designed oust Lie. Felt that matter should not be reopened in SC but should be handled by GA to which it has already been referred. Said, however, he is awaiting further information from Cuban delegation in New York before discussing with President Prio and making a definitive decision. Said he would inform Embassy promptly of this decision.

¹ Ernesto Dihigo y Lopez Origo, Cuban Minister of Foreign Affairs.

² See Deptel 2011, October 18, to London, p. 146.

Although inclined agree with US view, Dihigo still seemed uncertain as to course Cuba should follow. Expressed some doubt as to whether Lie could continue successfully perform his duties since he is now *persona non grata* to Soviets. Dihigo was reminded that Soviet Union has never found it difficult in past to accommodate itself to circumstances over which it found it could exercise no control. As long as it considered its own purpose served by doing so, Soviets would continue offer same cooperation, or lack of it, in UN regardless of who is elected Secretary General. Conversely, he was told, any other candidate who might be elected with approval of Soviet Union would be regarded as subject to pressure by Soviets.³

BUTLER

³ In telegram 147, October 20, 6 p. m., the Embassy reported to the Department: "Minister Dihigo has just informed Embassy that he gave telephonic instructions to Cuban UN representative Blanco today to support US position and vote against Indian proposal. . . ." (320/10-2050)

310.357/10-2050 : Telegram

The Chargé in Norway (Snow) to the Secretary of State

TOP SECRET NIACT

OSLO, October 20, 1950—4 p. m.

405. Reference Deptel 288, October 19. Saw Foreign Minister¹ this noon. He said Norwegian UN delegate had sought instructions and he had replied directing vote against Indian proposal. He stated these instructions unequivocal permitting delegation no alternatives and that he was gratified learn that US was maintaining its stand favor of Lie's continuance in office. He asked whether I knew what British position would be. I replied had no knowledge, but imagined if prominent Commonwealth candidate put forward, might slightly complicate British viewpoint. He said British UN delegate told him very recently British not interested seeing Indian as Secretary General.

SNOW

¹ H. M. Lange.

315/10-2050 : Telegram

The Chargé in France (Bonsal) to the Secretary of State

TOP SECRET PRIORITY

PARIS, October 20, 1950—7 p. m.

2144. Embtel 2127, October 19, repeated London 513. FonOff informs me it is exchanging views today with Chauvel re question

appointment UN Sec-Gen. I have been promised statement of position for tomorrow.¹

Sent Department 2144, repeated information London 516.

BONSAL

¹In Paris telegram 2157, October 21, 2 p. m., the Embassy cabled that "La Tournelle, Chief Political Affairs French Foreign Office, has informed us that, after discussion with Chauvel, Schuman has given Chauvel complete discretion in dealing with question appointment UN Secretary General." La Tournelle was informed by the Embassy that "... Secretary would undoubtedly be disappointed that Schuman had not seen fit to issue instructions to French delegation to vote against Indian resolution." (315/10-2150)

Editorial Note

Continuing its closed-session debate on the question of appointment of a secretary-general, the Security Council on October 20 centered its discussion on the Indian proposal for submitting new nominations for the post. Yugoslavia, the United Kingdom, and Cuba announced they would not support the plan but France and the Soviet Union indicated endorsement. Ecuador would abstain on the measure as it stood but could accept the move if it were modified. (USUN secret summary No. 82 (telegram 713), October 21, File No. 310.5/10-2150)

The Security Council resumed discussion of the question in private session on October 21, at which time the Indian Representative withdrew the Indian proposal. Thereupon the Council approved a proposal by the Soviet Union for an informal meeting of the five permanent members to consult further and to report the results not later than October 24; the vote was 7 to 0 with 4 abstentions (United States, United Kingdom, Norway, Yugoslavia). It was agreed that the Security Council would reconvene at 11 a. m., October 25, to consider the report of the five-power talks. (USUN secret summary No. 83 (telegram 716), October 22, File No. 310.5/10-2250)

A meeting of the five permanent members on October 23 failed to come to any agreement. Four new names were suggested: Padilla Nervo of Mexico, Charles Malik of Lebanon, Rau of India, and Romulo of the Philippines; the first three were proposed by the Soviet Union, the last by China. The United Kingdom Representative (Jebb) indicated preference still for Lie, but said he would not veto any of the names mentioned but simply abstain. Ambassador Austin stated that the United States could not support any candidate except Lie. The Soviet Representative declared support of any of the candidates except Lie. China indicated Padilla Nervo, Charles Malik, or Romulo

would be acceptable. Chauvel of France implied no French objections to any of the nominees although Lie was preferred: "He would be willing to support any candidate recommended by seven Security Council members who would not be vetoed." (USUN secret summary No. 84 (telegram 721), October 24, 1:12 a. m., File No. 310.5/10-2450)

330/10-2350 : Telegram

*The Secretary of State to the Embassy in France*¹

TOP SECRET

NIAC

WASHINGTON, October 23, 1950—8 p. m.

2129. Re Deptel 2024 Oct 18 [and] Embtel 2144 Oct 20, US GADel has just reported conversation with Chauvel Subject SC recommendation UN SYG. Chauvel informed US GADel his position as follows:

1. He voted for Lie on previous vote and would do so again.
2. He would vote for any candidate having support five permanent members SC.
3. He would vote for any candidate having seven affirmative votes SC.

In reply US GADel inquiry whether he would be willing cast seventh affirmative vote for candidate other than Lie, Chauvel said he had not decided and was seeking instructions FonOff.

Please approach FonOff urgently with view persuading French Govt instruct Chauvel vote for Lie on basis reasoning outlined Deptel 2024 or, if this not possible, as minimum not take action SC which wld insure requisite majority affirmative votes in support other candidate. This wld of course mean abstention on any other candidate but Lie and wld not be in any sense soliciting French veto. In view apparent adverse reaction Chauvel to previous direct approach Fr Govt this question, suggest Emb base this approach on info recd. from Dept on developing situation SC and importance of rapid decision.²

ACHESON

¹ Repeated to the U.S. Mission at New York as telegram Gadel 65. The message had been cleared with Ambassador Gross at USUN, however, before being sent to Paris.

² In telegram 2200, October 24, 1 p. m., from Paris, the Embassy cabled: "... We have reiterated [to the French Foreign Ministry] position taken Secretary's message to Schuman and have stressed points made in reference telegram. We will advise as soon as decision reached, probably later today [October 24]." (330/10-2450)

Secretary's Memoranda : Lot 53 D 244 : Box 419

*Minutes of Meeting on President Truman's Train, New York,
October 24, 1950*¹

SECRET

Subject: Secretary-General

Participants: The President

The Secretary of State

Assistant Secretary of State Miller²

AR—Mr. Dreier³

S—Mr. Battle⁴

Mr. C. P. Noyes, United States Mission

At the request of Ambassador Gross, I went to see the Secretary on the President's train⁵ to clarify a point in our instructions. I told him that we had been informed definitely by the French on the basis of a telephone call to the Foreign Office that they would not vote in favor of Padilla Nervo. This had not been known to Ambassador Austin. Mr. Gross felt that this made it clear that there would be only six votes for Padilla Nervo. Under the circumstances it might not be necessary to threaten to use the veto in order to prevail upon the Latin Americans not to vote in favor of Padilla Nervo, or to prevail upon Padilla Nervo to withdraw.

Mr. Gross wanted me to ascertain whether our instructions required us to threaten to use the veto under these circumstances, or left it to our discretion to decide whether to use this threat. I indicated that Mr. Gross felt it would be wiser not to use this threat unless it was necessary. The French had indicated they would hold the information in confidence.

The Secretary made it entirely clear that he was not at all concerned whether the information with regard to our decision became public. The objective which had been agreed upon was that we must elect Mr. Lie. We were not going to permit the Russians' maneuvers to succeed. The full weight of the United States was being placed behind

¹ Drafted by Charles P. Noyes, Deputy United States Representative in the Interim Committee of the General Assembly.

² Edward G. Miller, Jr., Assistant Secretary of State for American Republic Affairs.

³ John C. Dreier, Director of the Office of Regional American Affairs.

⁴ Lucius D. Battle, Executive Secretariat of the Department.

⁵ President Truman was in New York to make an address to the General Assembly on the occasion of the fifth anniversary of the United Nations. The speech was delivered shortly after 11:30 a. m. No information has been found to indicate when this train consultation took place, but evidence suggests that it was before the President detrained to proceed to Flushing Meadow, Queens, for the special General Assembly meeting. Immediately thereafter President Truman attended a birthday anniversary-presidential reception in the Delegates' Lounge of the General Assembly building. Subsequently the President was driven to Forest Hills to attend a luncheon at the home of the Secretary-General.

our policy. He was perfectly clear that we should use whatever strength was necessary to produce the desired result. It was of course up to the Mission and the Delegation to decide the matter of tactics.

The Secretary said that he did not like the picture of a series of votes on a series of different candidates, with some candidates getting six votes; some getting five; some less. He would much prefer that we kill the whole thing off at one stroke by using the threat of the veto rather than to play the matter out cautiously as a result of not using that threat. He was perfectly clear that if we used the threat, it would not be necessary to use the veto.

Assistant Secretary Miller and Mr. Dreier then arrived. The Secretary briefly explained what he wanted done. It was agreed that our most immediate objective was to get Padilla Nervo to withdraw his candidacy. Mr. Miller expressed the view that it would be necessary to assure Padilla Nervo that no other candidate would be permitted to get the job, except Mr. Lie, if he withdrew. The Secretary agreed with this completely and said that in his view the cleanest way to handle the matter was to tell Padilla Nervo directly that we would use the veto if necessary to prevent any candidates, other than Mr. Lie, from being elected.

The Secretary made it clear that the Good Neighbor Policy should work two ways. He wanted it made clear to the Latin Americans that no Latin American candidate would be accepted by the United States and that if they continued to play this game, they would very seriously embarrass themselves by running up against a United States veto.

The Secretary reiterated that he was not concerned about publicity in regard to this question. We were taking a position on principle; we could not permit the Soviet Union to use its veto to punish Mr. Lie for his position on Korea. He stated that the President had pointed out that the Russians were for Mr. Lie on June 10 of this year and that the only reason for their change was the Korean question. He and the President were determined to prevent the Soviet Union from punishing Mr. Lie.

The President arrived in the car with Mr. Harriman.⁶ The Secretary said that those present were about to go off to carry out the President's decision on the Secretary-General and he wanted them to have direct instructions from the President on the matter. He expressed the general lines of our instructions briefly. The President agreed and said we were prepared to make a real fight on this matter and that we would insist on the election of Mr. Lie. We were prepared to *threaten* to use the veto and to go further and *use* the veto itself if that became necessary.

C. P. NOYES

⁶ W. Averell Harriman, Special Assistant to the President.

IO Files: US/A/2738

*Memorandum of Instructions by the Secretary of the State to the
United States Delegation*

CONFIDENTIAL

[NEW YORK,] October 24, 1950.

Subject: Instructions Regarding the Appointment of the UN Secretary General

Secretary Acheson said he had consulted with the President and Senator Austin with regard to the question of the Secretary General and he wanted to give the following instructions which were to be carried out. He said that the decision was to use the veto against any candidate other than Mr. Lie and to advise all concerned that this was the case. We were to pull no punches.

The Secretary had already advised the French and told the French bluntly of our position and had urged them not to support any of the other candidates but to stick to their guns and support Lie.¹

The Secretary said we should advise the other Delegations and particularly Padilla Nervo. He had asked Assistant Secretary Miller to come to New York and hoped that he would help with the Latin American countries. He thought that this decision would make it unnecessary to use the veto. It was, of course, preferable to avoid actually using it.

The Secretary said that the President was determined that the Russians should not be permitted to get away with a victory in the United Nations which would prejudice our victory in Korea. He, himself, had talked to the French and also to the Brazilians. He thought Mr. Miller ought to get in touch with the Ecuadorans and the Cubans and also Padilla Nervo, himself, as well as any other Latin Americans we thought appropriate, and should make our position very clear.

¹ The Secretary of State spoke to Ambassador Chauvel either at the special anniversary reception or at the Secretary-General's luncheon; accounts differ on this point.

IO Files: US/A/2737

Memorandum of Conversation, by the Deputy United States Representative on the Security Council (Ross)

CONFIDENTIAL

[NEW YORK,] October 24, 1950.

Participants: Ambassador Jean Chauvel, French Delegation
Mr. John C. Ross, United States Delegation

At 5:30 this evening, after the sponsors' meeting on the Soviet item, Ambassador Chauvel took me aside on the Secretary-General matter

and said the Secretary of State had spoken to him about this at Trygve Lie's luncheon. He said he had told the Secretary that he had requested instructions from his Government on the question of how France would vote, and that he had promised to let the Secretary know when he had received his instructions. He said that upon returning to New York he found his instructions waiting for him and they were to abstain on any candidate other than Lie who did not have the support of the five permanent Members.¹

Chauvel went on to say that he contemplated saying tomorrow that the French Delegation would favor a candidate agreed upon by the five permanent Members if it had been possible for the five so to agree. The effort had been made to reach agreement among the five on an alternative candidate. This effort had been unsuccessful. In the circumstances the French Delegation did not see that any useful purpose would be served by putting forth nominations. If, however, nominations were put forward, France would abstain.

I thanked Ambassador Chauvel for this information and said that it would be transmitted to the Secretary of State.

¹ In top secret niact telegram 2226, October 24, 9 p. m., received in the Department at 3:36 p. m., October 24, and relayed to USUN at 4:15 p. m., the Embassy in France reported the French Foreign Ministry decision as follows: "... Chauvel being instructed to vote for Lie as well as for any candidate having support five permanent members Security Council but to abstain on any other candidate." (330/10-2450)

IO Files : US/A/2739

Memorandum of Conversations, by Mr. John C. Dreier of the United States Delegation Advisory Staff

CONFIDENTIAL

[NEW YORK,] October 25, 1950.

Participants: Ambassador Luis Padilla Nervo, Mexican Delegation
Ambassador Antonio Quevedo, Ecuadoran Delegation
Dr. Carlos Blanco, Cuban Delegation
Assistant-Secretary Edward G. Miller, Jr., U.S.
Delegation
Mr. John C. Dreier, U.S. Delegation

1. On Tuesday evening, October 24th, Mr. Miller and Mr. Dreier called on Ambassador Padilla Nervo at his office. Mr. Miller described the position of the US with respect to the appointment of the Secretary-General, making clear that we were prepared to use all the methods including the veto if necessary, to assure the election of Mr. Lie. Mr. Miller emphasized that it was primarily as an act of courtesy and friendship that he had been asked by the Secretary of State to see Dr. Padilla Nervo, whose views we already knew. He

emphasized also that we viewed this question as one of principle and not as one involving the relative merits of various personalities.

Dr. Padilla Nervo expressed appreciation for Mr. Miller's call and reiterated his own views on the question as they had already been conveyed to Mr. Ross and Mr. Dreier on other occasions. He stated in addition that he had already told the Latin-American members of the Security Council and Monsieur Chauvel, of France, that should his name be submitted for a vote, they should say that Padilla Nervo had informed them he did not wish to have his name considered. Padilla Nervo also informed Mr. Miller that he would not accept the Secretary-Generalship even if he were nominated by seven votes of the Security Council with the abstention of any permanent members. He displayed in all respects a very thorough understanding of the issues involved in this case.

In reply to Mr. Miller's question as to whether Padilla Nervo could consider stating his position in a letter to Ambassador Quevedo, if the latter wrote him asking his views, Padilla Nervo said he had consulted his government with regard to writing a letter and had been told not to do so unless he was asked by a permanent member of the Security Council who wished to nominate him. Padilla Nervo, however, strongly endorsed the idea that Mr. Miller should speak with Ambassador Quevedo and Dr. Blanco before the Security Council meeting the following morning in order to make sure that they understood his position and that of the US fully.

The meeting ended on a most cordial and friendly note.

2. This morning, Mr. Miller and Mr. Dreier met with Ambassador Quevedo and Dr. Blanco at Lake Success. Mr. Miller repeated the US position to these two delegates and called particular attention to the necessity for avoiding any vote on any candidate except Lie at today's meeting of the Security Council. He repeated what Padilla Nervo had told him yesterday evening regarding his desire not to have his name acted upon in any way.

Ambassador Quevedo said his government had instructed him to vote for Lie and to support Padilla Nervo as second choice. He confirmed that it was impossible for Ecuador to vote against Padilla Nervo if his name were submitted, particularly because of the various occasions on which the Mexican government had supported the Ecuadoran government in its difficulties with Peru. He was much pleased, however, to hear of Dr. Padilla Nervo's unqualified statement to the effect that his name should be withdrawn from consideration if it were proposed. Quevedo said he would for obvious reasons like to get direct confirmation of this from Padilla Nervo, in which case he would be very happy to state Padilla Nervo's views in the Security Council should the need arise.

Dr. Blanco said he was under strict instructions from the Cuban government to support Mr. Lie so long as the Big Five did not agree on another candidate. He said he had been informed of the attitude of Padilla Nervo and was prepared to express those views in the Security Council should an effort be made to place Padilla Nervo's name in active consideration.

As the group broke up, we were joined by Dr. Noriega, of Mexico, who confirmed to Quevedo and Blanco the views of Dr. Padilla Nervo as described by Mr. Miller. The two Latin-Americans were very glad to have this direct word from the Mexican Delegation.

JOHN C. DREIER

IO Files: US/A/2741

Memorandum of Conversation, by the Deputy United States Representative on the Security Council (Ross)

CONFIDENTIAL

[NEW YORK,] October 25, 1950.

Subject: Choice of Secretary-General

Participants: Dr. Charles Malik, Delegation of Lebanon
Mr. John C. Ross, United States Delegation

I saw Malik at Lake Success in order to explain our position on this matter and had a very long conversation with him. I thanked him first for informing us over the weekend of his candidacy for this post. I told him that we fully appreciated his personal position in the matter, namely, that he had no personal interest in the post but that he had been put forward by the Arab States as their candidate. I told him that I thought since he had been so frank with us it was only fair and honest on our part to let him know at the earliest opportunity our own position. I told him that this matter had been discussed by the President and Secretary of State and Ambassador Austin on Monday¹ and that the definite decision had been reached to veto any candidate for this post other than Mr. Lie. In explanation of this decision I stressed that in our view the Russians had chosen to make a major political issue out of what might have seemed to be a rather simple matter. I said that the Russians, having suffered two very severe defeats in regard to Korea, the one military and the other political, were making a desperate last-ditch effort to snatch some semblance of victory out of defeat. They had accordingly been following a tactic of playing one individual against another and one geographic area off against another. It was quite obvious to us that the Russians were seeking by this method to break up the wonderful and inspiring free-world unity that had built up in connection with

¹ October 23.

the Korean matter, as well as efforts to strengthen the United Nations. Their opposition to Mr. Lie and their veto of his name in the Security Council was viewed by us as a most serious attack on the peacemaking function of the United Nations. This attack, if it were allowed to succeed, would, we felt, closely affect our own national security. We viewed the matter, therefore, as one of very great importance transcending the question of the Secretary-General post or any individual, whether Mr. Lie himself, Charles Malik, Padilla Nervo, Romulo, Sir B. N. Rau, or anyone else. I stressed that our decision to use the veto if necessary was, of course, not in the slightest degree directed against Malik personally, nor against his country nor against the Arab States generally any more than it was directed against any individual or state from any other geographic area. Our decision was directed rather to the high principle and moral question involved.

Malik listened very attentively to what I said. He expressed no disagreement with any of it but, on the contrary, expressed understanding and agreement. He said, however, that looking at the matter broadly from the Arab point of view which he thought it was essential for us to understand, there were three considerations which we had perhaps not taken into account, as follows:

First, the decision of the Arab States to put forward his name was one of the rare occasions when it had been possible for the Arab States to achieve unanimity on any matter. Second, the apparent willingness of the Russians to accept any candidate as an alternative to Mr. Lie no matter how strongly anti-Communist or even anti-Soviet such alternative candidate might be, was a very rare phenomenon. Third, in the interest of strengthening the United Nations opportunity to exploit such rare phenomenon should not be passed over lightly.

I told Malik that I though we were not at all unaware of the considerations he advanced. I said they were, of course, considerations of great importance which we would not wish to lose sight of. I said, however, that in the present instance, namely, the question of choosing a Secretary-General, there was no doubt in my mind that the considerations which I had advanced outweighed those which he had put forward.

We then discussed at some length ways and means by which such considerations as he had advanced might be taken into consideration in the future. I stressed in a friendly but strong way some of the shortcomings of the Arab Delegations which made it very difficult for us to cooperate as fully with them as we always wanted to do. I think this discussion may prove useful.

Before concluding our discussion I analyzed the practical situation in the Security Council and the Assembly. I said it was certain that

Padilla Nervo and Rau did not want their names put forward or voted upon. I said that I was not suggesting that he withdraw his name. This, I thought, was a matter which the Arab group would have to decide for themselves. I did want, however, to make sure that they considered the point.

I then said that I thought he and his own Delegation might wish to consider whether in the circumstances it would not be a generous and graceful gesture for the Lebanon to join in co-sponsoring an Assembly resolution extending Mr. Lie's term of office. Malik asked whether we still insisted on a five-year extension. I told him that had been our position but that we would be prepared to accept in the interest of harmony a three-year extension. Malik seemed to have some thought that a two-year extension would be rather better in all the circumstances.

Both on the question of withdrawal of his candidacy and sponsorship of an Assembly resolution Malik said he would make strong recommendations to his Foreign Minister and to the other Arabs. He did not explicitly say so but it was my clear impression that he favored personally the courses I suggested.

310.5/10-2650 : Telegram

Extract From Daily Secret Summary No. 86 From the United States Mission at the United Nations, New York, October 26, 1950, 3:41 a. m.

731. Security Council [October 25] . . .

President Austin began by reporting to the non-permanent members on the five-power discussions. He noted that, in addition to Lie, the names of Padilla Nervo (Mexico), Rau (India), Malik (Lebanon) and Romulo (Philippines) had been put forward, but as a result of the discussion, it had been found that none had received the required unanimity.

Malik (USSR) felt it was not a normal situation where the five powers could not agree even on the form of their report to the SC. From Austin's statement, it was difficult to get an impression of the course of the two private meetings;¹ more complete information was necessary. He recalled that Rau, Malik (Lebanon) and Padilla Nervo had been nominated at the first five-power session, and Romulo had also been named, but some delegates needed time to get instructions.

¹ The first informal meeting of the five permanent members was held October 23; see editorial note, p. 156. The second meeting was held at 10:30 a. m., October 25, just ahead of this Council meeting.

As Malik saw it, the following situation had emerged: the picture was clearest in regard to Lie, as three of the five had favored him, one was opposed and one abstained—the same situation as before the meeting. On Romulo, Padilla Nervo and Malik (Lebanon), two were in favor, one opposed and two would abstain, although one of the latter might change his position if the others agreed. On Rau, one was in favor, one categorically against, one was against but with the possibility of changing his vote, and the other two would abstain. He said this analysis was subject to correction, if necessary.

USSR Wanted Names Voted

Because of the existing circumstances, Malik continued, the SC should continue its discussions of the candidates and take a vote on each name advanced in order to give the GA a clear picture. In his report, the SC President could explain the situation in detail, giving the various names, votes cast for each, etc. If no agreement were reached in the SC on any name, the letter to the GA would have to say that the SC was unable to get a decision and could not make a recommendation.

Chauvel (France) considered it a peculiar situation for one member to report on the others' positions. He believed the five had agreed to send a general report to the SC that no agreement had been reached, and each could speak in his own name. His own position had not changed, and he was authorized to confirm his previous vote for Lie, but could support another candidate which achieved agreement, Chauvel added. Since none of those named had attained unanimity, he noted, France would continue to support Lie. He believed reference to other candidates would intensify the disagreement and crystallize the dissonance in the SC, thus it was best to report to the GA on the existing situation.

In the absence of the necessary unanimity, Blanco (Cuba) observed, it would be futile to continue discussions. He supported Chauvel's suggestion and opposed Malik's move to continue consideration of the candidates.

Tsiang (China) wanted it understood that China's attitude concerning the five-power talks was that the five had consulted, five names had been discussed, but no agreement had been reached. He realized each delegation had its own preference, but he hoped none would insist on his candidate to such a degree as to prevent a unanimous recommendation. Tsiang had no objection to any of the candidates on a personal basis, but of the five names, he would like to see either Romulo, Malik, or Padilla Nervo in the post.

UK Position Specified

Jebb (UK) made it clear that he fully favored recommending Lie in such a way that his exact term could be extended by the GA itself. Because of this he was not prepared to vote positively for anybody else and he would therefore abstain on the other four, this to be without prejudice to any action on these four. Jebb considered them to be eminently respectable, and he was particularly sympathetic to Rau. He stressed that he did not wish to impede by a veto the election of any, and hoped his attitude would be generally understood.

Because there was no unanimity, further debate was futile, Bebler (Yugoslavia) held. He agreed with Chauvel and Blanco that further votes were unnecessary and that a report should be made to the GA. Bebler said he would abstain on all but Lie, not because he was opposed to the others but because he was so much in favor of Lie, who had played a considerable, positive role in this year of crisis. Lie's attempts to get world peace had been upset by the Korean situation, but this was not Lie's fault, and the present SYG's efforts should not now be interrupted.

Quevedo (Ecuador) endorsed Lie once more, but explained he had supported a five-power consultation in the hope that new moves would be successful. As none of the other candidates had achieved even a majority of the five powers, it was useless to vote on them as this would submit these eminent men to the unpleasantness of being rejected.

Quevedo remarked that if the five powers had agreed on Padilla Nervo, he would have supported this move, but he did not think Padilla Nervo would accept the post if he did not receive the five powers' unanimous support. He had no definite stand on Rau, Malik or Romulo, and he did not know if the last two would accept. Therefore, he would abstain on these nominations and would favor a report to the GA that the SC could not agree.

Soviets Wanted Equal Treatment

Correcting Chauvel's view, Malik explained he had just given his impression of previous events which, unfortunately, had not been crowned by a vote. He felt a vote would make everyone's position clear, and said the USSR had nothing to conceal. Malik contended the US had indicated it would abandon its "widely advertised position" of not using the veto and had said it would veto anyone but Lie. He urged that the SC, as usual, vote on proposals before it.

As for the idea of "embarrassing" candidates, Malik believed the nominees should not take a negative vote as a personal offense as there had been no attempt to put the question on a personal basis. He maintained that voting on Lie but not on the other four would put the

former in a privileged position; Lie was "just another candidate" as far as the next five-year term was concerned and anything otherwise would be discriminating against the other nominees.

Chauvel repeated his earlier objections to Malik's "report," and maintained that any number of votes could not change the situation. He felt the SC should now confirm its previous position, as expressed in the Oct. 12 letter to the GA President. Chauvel doubted if votes could be taken since several of the candidates did not wish to be named; Padilla Nervo had authorized him, Chauvel added, to state to the SC that he was not a candidate.

US Attitude Clarified

In order to put the US position fully on the record, Austin stressed that silence in relation to Malik's remarks was not significant or evidence of agreement with them. Reviewing the situation, Austin noted that a large majority favored continuing Lie in office, but that the USSR had become extremely active for other candidates. He reminded the SC that the same day the SC had reported to the GA on its inability to recommend a candidate, Moscow radio had broadcast Stalin's encouragement to the "enemies of the peace-making functions of the UN."

Malik, Austin continued, now came forward with various devices, all aiming to divide and conquer; representatives of different regions had been solicited for the SYG post and supported simultaneously, in the hope of dividing the 53 nations which were attempting to make the UN's peace-making functions work. In the US view, this matter was one of high principle and involved the security of the FE, the ME and the Western Hemisphere. Austin wondered if Lie should be made to answer to "the enemy," the country in the UN which had been representing the aggressors.

Austin considered this situation extremely serious because it might affect the position of anyone else who might be named. He indicated that the office of SYG could have little strength or independence if it were subject to the veto of a power opposed to the UN's policy. Austin wondered what answer he could be expected to give to the parents of those who had died in Korea when they asked why he had not done everything in his power to prevent the majority vote in favor of Lie from being "torn all to pieces by the country which has aided and abetted those who exploited us."

Challenge to SC Detailed

In this instance, Austin maintained, the SC was faced with an assault on a moral principle and the US would not fail to use every weapon at its disposal to counter that threat. He observed that all

countries had heavy burdens and were called upon to furnish more money, technology and supplies. Because of this, he wondered if they would think it a good thing to shift from a trusted, experienced administrator, and warned of the moral effect on these countries "whose legislative bodies will re-examine this question and without whose appropriations we could not do this task which will make Korea a constructive effort."

The US was convinced it stood on moral ground in this matter, Austin concluded, because it knew its own security and that of the rest of the world was at stake. He believed the US probably would not use the veto; it did not want to do so and hoped it would not have to, but it was determined to use all resources at its command, including the veto, to prevent the division of the UN, or to forestall any repudiation and punishment.

Indian Candidate Withdrew Name

Rau (India) opened the afternoon meeting by noting that his name had been "bandied about" for some time. He considered it would be embarrassing to some of his friends on the SC if any vote were taken on his name, therefore he wished his name withdrawn. When Austin indicated that the French motion would be voted on first, Malik objected that his own move had priority.

Replying to Austin's "dramatic" statement, Malik said he was accustomed to such slander and wondered what the US would do in the various UN organs if there were no Soviet Representative to attack and to whom the US could shift the blame for its own failures. He maintained the Stalin cable to North Korea had no relation to the question under discussion and was a matter of diplomatic relations between two governments. Austin's reference to morals could not help its position, because American soldiers were dying not for UN principles but for US monopolists; these soldiers knew about MacArthur; but nothing of Lie, who played a secondary role in the Korean events.

Peace and security in the Far East were threatened, Malik continued, but by MacArthur and US monopolists; Lie was "just a pawn" of these expansionists and no "pillar of peace." It was false to state in the SC that the USSR was the aggressor, as the Soviet Union always stood for self-determination of peoples and against foreign occupation or intervention.

Lie's behavior in the Korean question, although he had abjectly and unreservedly espoused the US cause, was not the influencing factor for the Soviet position: Lie was hypocritical and a prisoner of American dollars. In mentioning Lie's honest administration of money, Austin was apparently approaching the SYG appointment with a

commercial attitude, like a business man hiring a manager for his firm, Malik observed.

There was no need to single Lie out for special praise for honesty, Malik argued. During the past two years, Lie had shown little desire to accommodate views opposing those of the US, Malik added, recalling that after his recent Moscow visit with Stalin and Molotov, Lie had failed to take into account certain amendments suggested by them to Lie's 20-year peace program. In addition, Lie had proved his incapacity by supporting the plans and purposes of the NAT.

Malik concluded with an analysis of the US voting position, and held this was "curious" and "illogical." He noted that Austin felt Lie could be appointed by a simple GA decision but that any other candidates could be vetoed; the US also believed any other nominee's appointment by the GA would be illegal while Lie's would not, This was an "amoral" position hiding under the cloak of morality, he stated, urging that the SC vote immediately on Romulo and Charles Malik, the two remaining names.

[After some procedural difficulties the Security Council in separate votes rejected the nominations of Charles Malik (Lebanon) and Romulo (Philippines) by 4 votes (Egypt, India, China, the Soviet Union) to 0, with 7 abstentions in each case. The Council then approved by 7 votes to 1 (Soviet Union), with 3 abstentions (China, India, Egypt) a letter from the President of the Security Council (Austin) to the President of the General Assembly (Entezam) reporting that the Council remained unable to agree on a recommendation (UN Doc. A/1460).]

IO Files

Press Release No. 1031 Issued by the United States Mission at the United Nations, October 25, 1950

STATEMENT BY AMBASSADOR WARREN R. AUSTIN

The United States Delegation believes that Mr. Trygve Lie should be strongly supported by the United Nations for extension of his term or reelection as Secretary-General.

The United States believes so strongly that Mr. Lie should continue to hold this office that the United States Representative on the Security Council has made it clear that in this situation he would strongly oppose any other candidate for the office.

The position is that Mr. Lie has received nine votes in the Security Council, a majority sufficient to elect him if it had not been for the veto of the Soviet Union.

On the day that the vote was taken, October 12th, the *New York Times* published a message from Generalissimo Stalin to the North Korean Premier encouraging the enemies of the United Nations effort to repel aggression in Korea.

The member of the Security Council who vetoed Mr. Lie is the member who has attempted by every possible device to frustrate the fifty-three members of the United Nations who are struggling to make the organization work.

I feel that the choice of Mr. Lie for office is a matter that concerns the security of my own country, the security of the Far East, the Middle East and the Western hemisphere.

We must prevent future aggression anywhere in the world.

Mr. Lie has been the steadfast advocate and executive of the unity of the fifty-three nations in resisting armed aggression. He has been steadfast in building the principles of the United Nations to stand in place of force.

I do not believe that Mr. Lie now must bow down and take the rod on his back from the country that has been arguing the case of the Korean aggressors in the United Nations.

He should have the united support of those members whose cause he has supported.

No other man could take this office knowing that his predecessor had been condemned because he carried out the policies of the United Nations fearlessly and impartially. Anyone holding that office would forever after stand under the shadow of any permanent member that opposed United Nations policies.

I have indicated to the permanent members of the Security Council that I am ready to thwart the Soviet veto of Mr. Lie by every means in my power.

I do not believe a veto will become necessary but the great moral principle of the unity of the free powers is at stake and I do not fear to use whatever means I can to maintain that unity.

The settled purpose of my delegation is to use all its resources to prevent an attempt to punish and repudiate Mr. Lie, an attempt made in clear defiance of the majority of the members of the Security Council.

The United States believes that in supporting Mr. Lie it is vindicating the cause for which so many young men and women of the United Nations have given their lives. I could not face their parents and friends if I did not use every means at my disposal to prove that the United Nations is grateful to them and supports them here as they have supported the United Nations on the Korean battlefields.

IO Files: US/A/M(Chr)/163

*Minutes of the Twenty-eighth Meeting of the United States
Delegation, New York, October 27, 1950, 9:15 a. m.*

SECRET

[Here follow list of persons present (46) and discussion of a prior agenda item. Before consideration of the formal agenda and before Ambassador Austin's arrival, Mr. Dulles explained that he had sent a memorandum to Ambassador Austin stating that it would be helpful for the Delegation to have an exchange of views with respect to the implications of the Ambassador's statement in the Security Council regarding the use of the veto on the appointment of the Secretary General. "He personally felt some guidance was needed on this issue in view of our other statements from time to time respecting United States policy on the use of the veto. He had been surprised to read the statement that we were going to use the veto. . . ." The Delegation then proceeded to address itself to agenda item one, which discussion was broken off when Ambassador Austin arrived.]

2. Developments on Appointment of the Secretary-General.

Mr. Dulles explained that some of the delegates had wanted more light on our position respecting the use of the veto on the appointment of the Secretary-General because the United States had rather consistently taken the view that, if and when we had a strong moral case, we could rely on the majority to go along with us, and we trusted to the moral weight of our position rather than to the use of the veto, particularly when the majority was made up of our good friends. He referred to the fact that the First Committee had just passed the "Uniting for Peace" resolution,¹ which asked the great powers to exercise restraint in the use of the veto. Personally, he was a little concerned at the threat to use the veto and not to rely on our strong moral position in this case. Many questions had been put to him by other delegations.

Ambassador Austin said he was glad to give the delegates the background of the development of the United States position regarding the use of our veto on the appointment of the Secretary-General. It was our position that the aggression in Korea was an attack upon the peace and security of the Far East, the Middle East, the Western Hemisphere, Europe and upon the United States. Therefore, every resource should be used by members of the Security Council to halt this aggression. We considered that the unity of the free countries in the United Nations, in contending against this aggression, must

¹ For documentation on this subject, see pp. 335 ff.

be preserved, and that whatever resources were required for this purpose, had to be used. Until October 24, we had adhered to measures in the Security Council which had been, up to that time, effective, and had not announced that we would use the veto. For days we had fought the Soviets with the old weapons without result. We expressly had stated at the last Council meeting before October 24 that this issue was so vital that it justified our using all our resources. Up to this time we had not decided to go so far as to use the veto; we hoped we would not be obliged to pass on that question. After that the representative of France had made a speech in which the United States understood him to say he would cast the seventh vote in the Security Council to support any candidate other than Mr. Lie, for whom seven votes could be obtained. We were in some doubt about the exact implications of his remarks, although others believed him to have said what we interpreted him as saying. That was where the Council stood October 24. This brought us immediately to the question of what to do in this extremity. All our fears, all our attempts to defend the free world against aggression, and our success in preserving the unity of the free countries, were at stake. The situation was discouraging to the Koreans, to our boys fighting over there, and to their mothers and fathers. We faced the possibility of jeopardizing the whole future rehabilitation of Korea. The action here might make other Members slow to come to the assistance of other countries, if the United Nations could be split up by an enemy of the United Nations in this case. The Soviets were really leading the free countries around by the nose.

At this point Ambassador Austin described the Soviet tactics. He adverted to the fact that Soviet representatives had approached such persons as Padilla Nervo, Charles Malik, and Romulo, and had indicated to each that the USSR would be glad to support him for Secretary-General of the United Nations. Even as near to victory in Korea as the United Nations were, these delegates seemed to forget the necessity for maintaining our unity and strength. The name of Mr. Lie meant nothing except insofar as it symbolized the tremendous battle for the United Nations.

Ambassador Austin said that the real issue was whether we should risk the complete defeat of our position in Korea on this matter. The devastation in the Security Council was among representatives who had stood shoulder to shoulder with us against one abstention and one veto. Only the position of the French Ambassador was known, but there were two Latin American delegates who appeared somewhat beguiled by the Soviet position and Egypt was not very stable. In this weak situation something was required to bring together the members of the Council. At this point, the matter had been discussed

with the President and the Secretary of State, and what Ambassador Austin had said in the Council had been under their express authorization.

Ambassador Austin referred to Tom Hamilton's article on this subject in today's *New York Times*, which he termed a completely false statement. Hamilton's fundamental premise was that in any event the veto had been unnecessary because of an alleged French remark to Padilla Nervo to the effect that France would abstain. The Ambassador observed that the important question was whether the French statement came before or after the announcement of our position on the veto. The chronology was vital. Personally Ambassador Austin did not know when the French representative had gone to Padilla, but he did know that the last word the United States had received from France regarding its position was before we had made any announcement of our position; when we had made that announcement, it was on the understanding that France's position was that it would join with any seven members in favor of the candidate on which they agreed. In other words, it looked as if France, the two Latin American states, and others would form part of a new unity under enemy leadership.

Going on with his story, Ambassador Austin recounted that during the celebration of United Nations Day on October 24, at the special reception after the plenary, the Secretary of State had gone to Ambassador Chauvel and said he wanted him to know that, if necessary, the United States was going to use the veto but that we hoped we would not be put in that position. During the party, many Latin American representatives had come to Ambassador Austin to say that they had learned of this position and how strongly we felt on the principle and to give us assurances that they would stand by our position. Before that, they had been as soft as putty. After Padilla Nervo had come to him to request that the United States withdraw his name on his behalf, if he were nominated, Ambassador Austin said he had asked Padilla if he thought it would look well for the United States to make such an announcement since he had two Latin American colleagues on the Council, to whom he suggested he should give this information.

Ambassador Austin said that the time at which he had first mentioned the use of the veto was important. The significance of these events was best shown in that light. There had been a Big Five secret meeting on the morning of October 25 before the Council met. In that meeting the field of candidates was discussed, and the French representative was apparently maintaining the position already described to the Delegation, although the former had not made an open state-

ment of his position until the Security Council meeting. Ambassador Austin admitted, however, that he had perhaps not understood the French representative correctly.

In the Big Five meeting, Ambassador Austin said he had referred to a previous question some delegate had asked as to whether the United States would use the veto, at which time he had said he was not authorized in this sense, and had then informed the others that the United States now felt so deeply on moral principle, recognizing that this cause was vital to the preservation of the United Nations that the other members should not be surprised if we changed our position. He had thus told them that our position was now different; we did not want to use the veto, but we were prepared to use all the resources we had to maintain these important principles. Thus, the matter had first arisen only in the private Big Five meeting.

The next question, the Ambassador continued was why this statement should have been repeated, outside this group to all the world. He had not repeated his statement until Malik had referred indirectly to it. At that moment it was clear that this subject could not be concealed from the public, and therefore it was entirely proper, and he felt necessary, for the United States to make a statement covering the point. That statement he admitted, was erroneous in one regard: it referred to the Delegation. For that reference, he was very sorry. He had not noticed it, and he had not intended to refer to the Delegation. That was why a copy of his speech had been included in the Delegation's papers.²

Ambassador Austin believed he had stood upon his duty as the United States representative in the Security Council under the mandate of the Statute setting up his office, and by direction from the President of the United States personally and the Secretary of State, who had cooperated with him in the whole matter. That was the story, and it had led to our victory on a great principle. He believed the world would know hereafter that when we set out to support the United Nations in the exercise of its peace-making functions, even if it took armed force, we would remain faithful to our obligations. That was the big lesson which we wanted the world to get, and he believed it would. In his opinion, the United Nations had been strengthened by this experience.

[Here follows further discussion of the Secretary-General question and United States policy relating thereto.]

² See USUN Press Release No. 1031, October 25, *supra*.

IO Files : US/A/2752, US/S/1521

*Memorandum of Conversations, by David H. Popper, Principal
Executive Officer, United States Delegation*

CONFIDENTIAL

[NEW YORK,] October 27, 1950.

Participants: H. E. Nasrollah Entezam, President of the Assembly
Mr. David Blickenstaff, U.N. Secretariat
Secretary-General Trygve Lie (separately)
Mr. John C. Ross, United States Delegation
Mr. David Popper, United States Delegation

Mr. Ross discussed with Ambassador Entezam the various possibilities with regard to the scheduling of a Plenary Session of the General Assembly to deal with the question of the appointment of the Secretary-General. Ambassador Austin's position was explained fully to President Entezam.

After consultation with Ambassador Austin by telephone, it was agreed that the Saturday Journal (October 28) would schedule a Plenary Session for Tuesday, October 31, in which the appointment of the Secretary-General would be listed at or near the top of the list. Our resolution on "Uniting for Peace" would be scheduled at a lower point in the list; this was believed to be the only item coming from a committee which would occasion lengthy discussion.

President Entezam hopes by this procedure to give the Soviets every opportunity to request another Security Council meeting, if they desire one. For this reason, the Saturday Journal will schedule the items "Appointment of the Secretary-General" without listing as accompanying documents the lists sent by Ambassador Austin to Mr. Entezam reporting on the failure of the Security Council to reach agreement. In later issues of the Journal these documents and the joint draft resolution, when submitted, will be listed. If the Soviets do protest and indicate an interest in a Security Council meeting, the order of items on the list will be revised so that the appointment of the Secretary-General comes near the end of the list. This will provide an opportunity for further Security Council consideration before the matter arises in the Plenary Session.

With regard to tactics in the Assembly, Mr. Entezam stated that he hoped to hold debate to a minimum, especially on points of order which might be raised by the Soviet Delegation. It was explained to the President that the United States statement would be brief and dispassionate, resting on grounds of principle and not seeking to provoke an acrimonious reply. President Entezam also stated that it was his feeling that a secret ballot would be preferable to an open ballot on this question, and that the Secretary-General felt the same

way. He would therefore propose a secret ballot, but since this in effect amounted to a suspension of the Assembly's rules, he would agree to an open vote if any member of the General Assembly objected to his proposal. With regard to the majority required for a decision, the President believes that a two-thirds majority is necessary, both by analogy with other long term elections in the Assembly and because this is clearly an important question. He does not believe this issue will arise, since he feels that the voting will disclose more than a two-thirds majority in favor of Mr. Lie. Thus, he will avoid a ruling if it is at all possible. The President also hopes that we will get as many sponsors as possible for our joint resolution and that we will submit it for documentation on Saturday, October 28, in order that it may be circulated in time for the Tuesday Plenary.

Immediately thereafter, Secretary-General Lie informed Mr. Ross that there were now a good many states who wished to become co-sponsors and thus get on the band wagon. He mentioned specifically Greece, the four Nordic countries, Honduras and other Latin Americans. He spoke half seriously of getting fifty-three co-sponsors and urged us not to offend countries which wished to sponsor by failing to ask them to do so. Mr. Ross said that we would do what we could to get a good number of sponsors.¹

DAVID POPPER

¹ There were 14 sponsors of the resolution, the draft text of which is printed *infra*.

IO Files : US/A/2758

*United States Delegation Working Paper Incorporating Tentative
Draft Resolution on Appointment of the Secretary-General*

CONFIDENTIAL

[NEW YORK,] October 28, 1950.

The General Assembly,

Having received a communication from the President of the Security Council dated 12 October 1950, stating that the Security Council has been unable to agree on a recommendation to the General Assembly regarding the appointment of a Secretary-General;

Considering the necessity to insure the uninterrupted exercise of the functions vested by the Charter in the Office of the Secretary-General;

Considering that the Security Council recommended to the First Session of the General Assembly the appointment of Mr. Trygve Lie as Secretary-General, and that on 1 February 1946 the General Assembly appointed Mr. Trygve Lie as Secretary-General for a five-year term;

Decides that the present Secretary-General shall be continued in office for a period of three years.¹

¹ After a final private meeting of the Security Council on the Secretary-General question on October 30, in which the Council rejected by 7 votes to 1 (Soviet Union), with 3 abstentions (Egypt, China, and India) a Soviet proposal to have the Council request the General Assembly to postpone consideration of the matter in order to consider possible additional candidates, the General Assembly addressed itself to the question in three meetings on October 31 and November 1. At the final meeting the joint draft resolution was adopted by 46 votes to 5, with 8 abstentions. For the proceedings of the General Assembly on this matter, see United Nations, *Official Records of the General Assembly, Fifth Session, Plenary Meetings*, vol. I, pp. 250 ff.

Editorial Note

The documents that follow are illustrative briefly of certain other questions of an organizational and administrative character, in which the United States took an active interest.

Regarding the membership question, useful documentation is located in the subject files of the Office of United Nations Political and Security Affairs, Lot 59 D 237, Boxes 7209-7211. Certain documentation on the membership question as it related to the formulation of the United States position at the May 1950 Foreign Ministers Meeting at London is in the CFM Files, Lot M-88, Box 2203. Documentation on the London Conference is scheduled for publication in volume III.

310.2/7-1750 : Telegram

*The Secretary of State to the United States Representative at the United Nations (Austin)*¹

SECRET

WASHINGTON, July 17, 1950—7 p. m.

42. Fol views of Dept on membership question in SC are for your use in discussions with Brit, Fr, Indian and, in your discretion, with other SC dels:

1. Admission of Sov satellites obviously cannot be considered under present conditions;²
2. SC approval of non-Sov candidates without Sov candidates at present might accelerate or furnish pretext for formal Sov withdrawal from UN;

¹ Repeated to London (304), Paris (299), and Karachi (36). (Pakistan had made inquiry as to whether the Security Council would proceed to examine applications for new membership "in the customary manner" during July or August—telegram 31 from Karachi, July 8, File No. 330/7-850.)

² A reference to the outbreak of hostilities in Korea.

3. Only practicable course for SC accordingly appears to be postponement of action on applications until forthcoming GA session when situation may have become more clear and definite than at present. Such postponement not inconsistent with "business as usual" policy,³ since no candidate can in any case be admitted until GA session, and since SC rules permit postponement.⁴

ACHESON

³ For documentation regarding the policy of the United States with respect to the conduct of business by the Security Council in the absence of the Soviet Representative, see pp. 201 ff.

⁴ In telegram 568, July 26, the London Embassy informed the Department that the Foreign Office "expressed satisfaction" that the United States and the United Kingdom were "now" in agreement on the postponement of any Council action on membership applications. (330/7-2650)

IO Files: SD/A/C.5/142

Department of State Position Paper, for the Instruction of the United States Delegation to the General Assembly

CONFIDENTIAL

[WASHINGTON,] September 1, 1950.

REPORT OF THE COMMITTEE ON CONTRIBUTIONS

THE PROBLEM

The United Nations Committee on Contributions has recommended a number of changes in the United Nations scale of contributions for 1951, including a reduction in the United States share from 39.79 to 38.92 percent.

RECOMMENDATIONS

The Delegation should support adoption of the Committee Report. In doing so it should

(1) Note that this is a step towards reducing the United States share to 33 $\frac{1}{3}$ percent, as envisaged by General Assembly resolution 238 A (III);

(2) Congratulate the Committee upon recognizing changed economic conditions and making some changes in the assessments of many countries;

(3) Urge that the Committee continue next year its analysis of changed economic conditions, and request that the Assembly again urge all Members to provide additional statistical information to assist the Committee in its task;

(4) Point out that the United States will continue to press for a more rapid reduction of its share to 33 $\frac{1}{3}$ percent, believing that improvement in economic conditions generally will justify such a full reduction in the immediate future.

COMMENT

From the First Session of the General Assembly the United States has affirmed and reaffirmed its position that no Member should pay more than one third of the regular expenses of the United Nations. The General Assembly, at its Third Session, recognized in the preamble of Resolution 238 A (III) "that in normal times no one Member State should contribute more than one third of the ordinary expenses of the United Nations for any one year." A first step in implementing this principle was taken by the Fourth Session of the General Assembly, which reduced the United States share by one-tenth of one percent. The United States supported this action, while expressing dissatisfaction with the small size of the reduction, and announced its intention to continue to press for reduction of the United States share toward a goal of $33\frac{1}{3}$ percent.

This year the Committee states that it understands that it is directed to take a further step in implementation of Resolution 238 A (III), and is recommending a reduction in the United States contribution of 0.87 percent, at the same time raising the percentage shares of fourteen other Members, including the USSR and its four satellite Members. The Committee justifies this latter action on the basis of a certain recovery since 1946 from the temporary dislocation of national economies arising out of the Second World War.

The United States desired a larger percentage reduction in its contribution, but in view of the present political situation, the reduction is as large as could be expected. The Committee, in this as in previous years, has agreed that no change either upwards or downwards should be more than 10 percent in any one year. The contributions of the USSR and its satellites, from which the bulk of any relief to the United States can be expected to come, as long as the membership is not enlarged, were all raised 10 percent by the Committee. As a matter of fact, the increase in their percentages totals 0.93, just slightly more than the decrease in the United States percentage. It has been the opinion of the United States, borne out by the limited statistical information available, that the USSR and its satellites have been grossly underassessed. The Committee report details other changes in the scale, all being quite small.

The Delegation might, if the circumstances are favorable, point out that it assumes that the Committee's "unwritten rule" to the effect that no Member's contribution should be changed more than 10 percent

in any one year does not necessarily have application in the future, in view of the fact that such a rule is not implied in the Committee's terms of reference and the claims of economic advancement made by some Members are such that their assessments, to reflect such advancement, might be increased to a greater degree. It also might state that it assumes that the Committee's statement that the largest contributor will not in the future automatically receive the benefit of revisions in other Member's contributions does not imply that further steps to reduce the United States contribution to 33 $\frac{1}{3}$ percent will not be taken.

310.2/9-1650: Telegram

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

SECRET

WASHINGTON, September 16, 1950—2 p. m.

282. 1. Indo membership application when received shld in Dept's view preferably be considered urgently by SC and GA separately from any other applications. Since Dept has indication Jebb¹ may hold contrary view, request you endeavor persuade him that this course preferable. If SC approval Indo given, US will move in GA for immed plenary action admit Indo.²

2. Re old applications, GA resolutions 296(IV) A through I and K request SC reconsideration but do not specify time.³ So long as present membership stalemate continues we see no need automatic repetition old positions annually and hence wld be quite willing, in absence request by GA or by some SC rep for action, to see SC defer indefinitely reconsideration old applications, treating GA resolutions as being standing request to act when affirmative action possible. In any case, we see no need such action until late in GA session unless pressure for it. Desire various quarters for deferral controversial items may reduce likelihood such demand in GA.

WEBB

¹ H. M. Gladwyn Jebb, Permanent Representative of the United Kingdom at the United Nations.

² Security Council approval was effected at a meeting on September 26, and Indonesia was admitted to the United Nations by favorable General Assembly action on September 28, to become the 60th Member State of the Organization.

³ For documentation on this matter at the fourth regular session of the General Assembly in 1949, see *Foreign Relations*, 1949, vol. II, pp. 291 ff.

320/10-3150: Telegram

The Secretary of State to the Embassy in Spain

PRIORITY NIACT

WASHINGTON, October 31, 1950—6 p. m.

236. *Ad Hoc* Polit Comite approved this afternoon resol on Spain by vote Yes-37, No-10, Abstention-12, one absent.¹

ACHESON

¹ Documentation on the policy of the United States regarding the Spanish question at the United Nations and within the framework of bilateral relations between the United States and Spain is scheduled for publication in volume III. The matter as a United Nations issue had been inscribed on the agenda of the General Assembly as item No. 62, "Relations of States Members [of the United Nations] and specialized agencies with Spain," upon the initiation of two separate resolutions by the Dominican Republic and Peru which called for normalization of relations with Spain. The General Assembly had assigned the matter to its *Ad Hoc* Political Committee, which after consideration of the item in five meetings from October 25-31 accepted a joint resolution cosponsored by eight states revoking recommendations in the General Assembly resolution of December 12, 1946, for the withdrawal of Ambassadors and Ministers from Madrid and intended to debar Spain from international agencies associated with the United Nations. The United States favored such modifications of the 1946 resolution and spoke in favor of the joint draft resolution on October 31. For relevant public documentation on this matter, see fascicule 62 in United Nations, *Official Records of the General Assembly, Fifth Session, Annexes*, vol. II. For the United States statement in the *Ad Hoc* Political Committee on October 31, see United Nations, *Official Records of the General Assembly, Fifth Session, Ad Hoc Political Committee*, pp. 184 and 185. The General Assembly adopted the resolution on November 4; for the plenary proceedings, see United Nations, *Official Records of the General Assembly, Fifth Session, Plenary Meetings*, vol. I, pp. 371 ff. (hereafter cited as GA (V), *Plenary*).

320/11-950: Telegram

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

CONFIDENTIAL

WASHINGTON, November 9, 1950—11 a. m.

Gadel 104. Dept's position re membership question in plenary GA fol:

(1) *ICJ advisory opinion*

Advisory opinion of 3 March 1950 on competence of GA for admission of a state to UN shld be treated by GA as binding but no formal action necessary.¹

(2) *Membership applications*

a. No change has occurred since 4th session GA which wld call for

¹ In its advisory opinion the International Court of Justice advised the General Assembly that under the procedure for the admission of new members to the United Nations as laid down in Article 4, paragraph 2 of the United Nations Charter, the General Assembly was not competent to admit an applicant state to membership in the absence of an affirmative recommendation by the Security Council.

departure from US position last year re Sov omnibus proposal on membership and re individual membership applications.²

b. GA resolutions 296 (IV) A-I and K make as satisfactory provision for continuing consideration membership applications as is possible under existing conditions.

c. Accordingly if res considered necessary US shld favor short res requesting SC to keep membership applications under consideration in accordance with terms of Res 296 (IV) A-I and K. Possible text such res contained separate tel.³

(3) Preferable USDel not take lead by presenting res if others willing do so.

(4) Dept hopes plenary action can be deferred to end Nov as passage res might encourage Bebler raising in SC this month.⁴ Dept hopes this can be avoided seeing no useful purpose full discussion this subj this time.

ACHESON

² For documentation on this matter at the fourth regular session of the General Assembly in 1949, see *Foreign Relations*, 1949, vol. II, pp. 291 ff.

³ *Infra*.

⁴ Ales Bebler was Permanent Representative of Yugoslavia at the United Nations. As Yugoslav Representative he was presiding as President of the Security Council for the month of November.

320/11-2250 : Telegram

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

CONFIDENTIAL

WASHINGTON, November 22, 1950—7 p. m.

Gadel 135. Re Delga 328¹ Dept sees no objection giving draft res to Cordier as embodying our gen ideas. Understand draft would read as fols:

The General Assembly

Recalling its Resolutions 296 (IV) A-I, and K, of 22 Nov 1949 concerning the reconsideration, by the SC, of pending applications for membership;

Noting that the GA has not received recommendations for the admission of any of these applicants;

Requests The Security Council to keep the applications under consideration in accordance with the terms of the above-mentioned resolutions.²

ACHESON

¹ Not printed.

² The General Assembly adopted, on December 4, 1950, a resolution proposed jointly by Brazil, Canada, the Philippines, Sweden, and Syria. The resolution had the support of the United States and noted that the Security Council had not

Footnote continued on following page.

IO Files : US/A/3064

United States Delegation Position Paper

RESTRICTED

[NEW YORK,] December 11, 1950.

SCALE OF ASSESSMENTS TO THE UNITED NATIONS: REPORT OF THE
FIFTH COMMITTEE1. *United States Position*

The United States should vote in favor of the resolution recommended by the Fifth Committee.¹

The United States should vote against Plenary discussion of the Fifth Committee report. If there is discussion, the United States may need to make a statement.

2. *History in Committee*

The Soviet Union and other states whose assessments were increased² opposed the Committee's report, but the report was carried over their opposition.³ The Soviet Union objected strongly to the United States statement in the Committee⁴ (USDel Press Release 1086), and if debate is permitted may attack the United States on this ground.

Footnote continued from preceding page.

made recommendations for the admission of certain states (Austria, Ceylon, Finland, Jordan, Ireland, Italy, Portugal, Republic of Korea, and Nepal) whose membership applications were pending and requested the Council to keep the applications under consideration. A Soviet proposal recommending Security Council review of the membership applications of Albania, the Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, and Nepal was rejected. The General Assembly rejected also another resolution, submitted by El Salvador, which urged Security Council reconsideration of the same applications as those in the resolution adopted and which would also have provided for these states to send observers to the General Assembly. For the proceedings of the General Assembly on the membership resolutions, see GA (V), *Plenary*, vol. I, pp. 565 ff. For the United States statement, in support of the five-power resolution and in opposition to the Soviet resolution, see *ibid.*, pp. 578 and 579; the position of this Government regarding the El Salvador resolution was also set forth here.

¹ For the Report of the Fifth Committee on this matter, see United Nations, *Official Records of the General Assembly, Fifth Session, Annexes*, vol. II, fascicule 40, pp. 2-5. The resolution recommended by the Committee is incorporated in the body of the report.

² A table of the recommended scale of assessments appears on p. 4 of the Committee's report, *ibid.* The contribution percentage for the United States was set at 38.92.

³ For the proceedings of the Fifth Committee in its consideration of this matter, November 29 and 30, see United Nations, *Official Records of the General Assembly, Fifth Session, Fifth Committee*, pp. 220 ff.

⁴ For the lengthy United States statement, see *ibid.*, pp. 227-229.

3. *Possible Developments in the Plenary*

It is not expected any statements will be made except that the U.S.S.R. may make a statement opposing the Committee report. The United States should not speak unless an attack is directed at the United States, in which event some of the material in the Committee speech may be used in rebuttal.⁵

⁵ For the proceedings of the General Assembly on December 14 when it adopted the Committee's report, resolution, and scale of assessments, see GA (V), *Plenary*, vol. I, pp. 653 ff. The Assembly first rejected a Soviet amendment deleting the revised scale of assessments for 1951 and replacing it by a statement that the present scale of assessments should continue to apply in 1951 (the Soviet contribution was increased). The resolution recommended by the Committee was then adopted without discussion. In the resolution, the Committee on Contributions was instructed to review the scale of assessments in 1951 and report thereon for consideration at the sixth session of the General Assembly. It further provided authorization for the Secretary-General to accept, at his discretion and after consultation with the chairman of the Committee on Contributions, a portion of the contributions of Members for 1951 in currencies other than United States dollars.

UNITED STATES POLICY REGARDING PROBLEMS ARISING FROM THE QUESTION OF THE REPRESENTATION OF CHINA IN THE ORGANS OF THE UNITED NATIONS¹

330/1-550 : Telegram

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

SECRET

WASHINGTON, January 5, 1950—6 p. m.

4. 1. In event any motion is presented in SC which wld have effect of unseating rep Nationalist Govt or seating rep Communist regime, US rep shld vote in negative, making only very brief explanation of vote stating that it does not regard negative vote of any permanent member as a veto since this decision can be taken by any seven votes.

2. If any permanent member including Chinese Nationalist rep insists negative vote constitutes veto, US rep shld, if necessary, support appropriate steps to override. Of course, if US is only negative vote and Pres SC rules it constitutes veto, US Rep shld request revote and abstain.

3. Statement along fol lines suggested in explaining US negative vote:

"In casting a negative vote on this motion the US wishes to make it clear that its vote does not constitute a veto and cannot be construed as such. This is for the reason that in the view of the US the question before the Council is not one which, under Art 27 of the Charter, requires the concurring votes of the permanent members.

"The question before the Council is essentially a question of its organization. Stated in generalized terms, it is whether one claimant or another should be entitled to represent a Member of the UN on the SC. In this case the member is a permanent member of the SC whose membership on that body is expressly provided for in the Charter, but the question would be basically the same if the UN Member involved were a non-permanent member elected by the GA in accordance with Art 23 of the Charter.

"Surely, it wld be an anomalous situation, and one which cannot be countenanced if this organization is to succeed, if a single member of the SC cld by its single vote decide in effect that one of two claimants shld represent a member and, particularly, a permanent member of the SC. I need hardly add that this position is in accord-

¹ Previous documentation on this subject is printed in *Foreign Relations*, 1949, vol. II, pp. 281 ff.

ance with the res on voting adopted by the GA on April 14, 1949.”²

4. Dept suggests that you explain US position to other friendly SC members including Chinese rep and obtain their reactions. If other permanent members believe consultation desirable among all permanent members pursuant to October 28 agreement,³ US rep shld raise no objection.

ACHESON

² The substance of this statement was delivered to the Security Council on January 12 by the Deputy United States Representative at the United Nations (Gross); for text see United Nations, *Official Records of the Security Council, Fifth Year, No. 2*, p. 6. (Security Council records are cited hereafter as SC, 5th yr.)

The countries represented on the Security Council for its fifth year were China, Cuba, Ecuador, Egypt, France, India, Norway, the Soviet Union, the United Kingdom, the United States, and Yugoslavia. Three of the nonpermanent members, Ecuador, India, and Yugoslavia, had been elected to terms by the General Assembly at its fourth regular session (September–December 1949), and were not seated until January 10.

³ For documentation regarding the meetings of the five permanent members of the Security Council in October 1949 to discuss procedure regarding voting in the Security Council, see *Foreign Relations*, 1949, vol. II, pp. 324 ff.

330/1-950 : Telegram

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

SECRET

PRIORITY

NEW YORK, January 9, 1950—7:55 p. m.

15. 1. Tsiang¹ discussed with us today very frankly his position with regard to seating of Communist Chinese representatives in the UN. He believes that his expulsion from the SC or the seating of a Chinese Communist representative is a substantive matter which relates not to credentials, but to question of which of two governments is to be recognized. He has recommended to his government that when seven members of the SC, including the US, have recognized Communist China,² he should abstain on any motion to seat a Communist Chinese representative. He is taking this position on the basis that his government would have nothing further to gain from sitting in a council in which seven members, including the US, had recognized the Communists. If, however, a vote is taken at a time when there are seven votes in favor of seating a Chinese Communist representative, but the US is not included in these seven, Tsiang will insist on his right to veto such a motion.

¹ Tingfu F. Tsiang, Permanent Representative of China at the United Nations.

² For documentation regarding the question of recognition of the Chinese Communist regime established at Peiping, see vol. VI, pp. 256 ff.

2. We informed Tsiang frankly of our position. It is his view that it is unlikely that there will be seven votes in the SC in favor of the Communists prior to the date of US recognition.

3. Tsiang urged that it would be unfortunate for the UN if Nationalist representatives were seated in certain organs and Communists in others. He suggested that a procedure should be worked out whereby all organs of the UN should abstain from seating Communist representatives until the GA had considered the question and itself seated a Communist. He indicated that if this procedure were adopted he would abide by the decision of the Assembly and not attempt to use his veto thereafter in the SC. He had not talked to other delegates about this, but felt it reasonable to suppose that the British and Norwegians might be favorably inclined. We agreed to discuss it with these two delegations to obtain their views.

4. As regards seating the Yugoslav representative,³ Tsiang's plan is that if the Russians object to the seating of Yugoslavia, he will rule such motion out of order on the ground that it is not within the competence of the SC to question a decision of the Assembly. If the Russians raise a question which he considers properly a credentials question, he will declare it procedural and will be prepared to overrule an attempted Russian double veto. Tsiang distinguishes Yugoslav situation on theory latter involves only the question who represents the only existing government in Yugoslavia, whereas China situation is one involving important substantive question which is legal government of China.

5. Tsiang has decided that if a motion is made involving his right to SC seat, he will invoke rule 20 and turn the presidency over to the Cuban representative for the duration of the discussion and voting on such motion.

6. UK delegation agrees that the seating of Yugoslavs is a procedural question and are prepared if necessary to join in defeating any attempted double veto. They apparently feel same way about seating Chinese Communists, but this is not yet certain. The British have in mind that if Chinese question is raised tomorrow, it might be postponed on ground that matter is not on agenda, and French have said they will move to that effect if necessary.

7. We reported to British Tsiang's suggested procedure contained in paragraph 3 above, indicating that we had no instructions on the matter at all. British advised they are in process of discussing an approach along these lines with Foreign Office but are at the moment

³ Ales Bebler, Permanent Representative of Yugoslavia at the United Nations. For documentation regarding the election of Yugoslavia to the Security Council at the fourth regular session of the General Assembly, see *Foreign Relations*, 1949, vol. II, pp. 245 ff.

without any instructions. They are authorized to abstain in the SC on a motion to unseat Tsiang or to seat a Communist representative until seven members of the SC have recognized Communists. They would make a general statement in this connection referring to the desirability of UN organs acting together. The FO apparently has been disinclined to go any further for the present. UK delegation has in mind desirability of passage by SC of a motion to the effect that when a majority of the members of the UN recognize Communists, all organs of the UN would seat Communist representatives (and not before). They argue this is procedural motion. UK delegation sees this procedure as a device by which those members who recognize the Communists could refuse to vote for seating them in the UN until a majority of the members had recognized, in return for which those nations who did not expect to recognize until much later would agree that when a majority had recognized they would either abstain or vote in favor of seating Communists in all organs. UK delegation has in mind setting a precedent by this technique so as to make it more likely that when the Assembly meets, the seating of the Communist delegation can be accomplished by a simple majority vote instead of a two-thirds vote. They made it clear that they could not accept the idea inherent in Tsiang's suggestion of postponing action until the Assembly had met and seated the Communist representative. UK delegation asked US to advise Tsiang that they would seek instructions on his suggestion but not to indicate to him their instructions or their preliminary thinking.

8. British sought our attitude toward Tsiang's suggestion and indicated that our attitude would have considerable weight with them.

9. We shall submit our views tomorrow.

AUSTIN

330/1-1050 : Telegram

The Ambassador in the Soviet Union (Kirk) to the Secretary of State

RESTRICTED

Moscow, January 10, 1950—noon.

72. Soviet press January 10 carries brief Tass¹ item which quotes January 8 Chou En-lai² telegram. States telegram sent Romulo, Lie,

¹ Official Soviet news agency.

² Foreign Minister of the Chinese Communist regime. The Chou En-lai communication, as conveyed to the Consul General at Peiping (Clubb) for transmission to the Secretary of State for the United States as a member of the Security Council and cabled by Clubb to the Department in his telegram 51, January 9, read:

and Security Council members. In listing SC member countries, item fails include Yugoslavia and Nationalist China.

Department pass USUN 2.

KIRK

Footnote continued from preceding page.

"Lake Success to Mr. Carlos P. Romulo, President of the General Assembly of the United Nations; Mr. Trygve Lie, Secretary General of the United Nations and member delegations to the Security Council: Delegations of the USSR, USA, France, United Kingdom, Ecuador, India, Cuba, Egypt and Norway. This is to inform you that the Central Peoples Republic of China holds as illegal the presence of the delegates of the Chinese KMT reactionary remnant clique in the Security Council of the United Nations. The position of the Central Peoples Government of the Peoples Republic of China is that the said delegates be expelled from the Security Council. It is hoped that this position be adopted and action be taken accordingly. Chou En-lai, Minister Foreign Affairs of the Central Peoples Government of the Peoples Republic of China, Peking, China, January 8, 1950." (330/1-950)

330/1-1050 : Telegram

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

NEW YORK, January 10, 1950—9:48 p. m.

20. Following is text of U.S.S.R. resolution submitted SC January 10, to be considered at meeting of SC January 12:

"The SC

"Having considered the statement made by the Central People's Government of the Chinese People's Republic on 8 January 1950 to the effect that it considers the presence in the UN SC of the representative of the Kuomintang group to be illegal and insists on the exclusion of that representative from the SC,

*"Decides not to recognize the credentials of the representative referred to in the statement by the Central People's Government of the Chinese People's Republic and to exclude him from the SC."*¹

AUSTIN

¹ For official text see SC, *5th yr., No. 1*, p. 3. For the proceedings of the Security Council on January 10, the first meeting of the fifth year, see *ibid.*, pp. 1 ff. The Soviet Representative (Malik) left the Security Council chamber during this session, after the Council failed to take immediate action on the proposal embodied in this draft resolution. The Department was informed of this development by the United States Mission at the United Nations (USUN) in the Mission's daily summary telegram (New York 18, January 10, 9:45 p. m., file 330/1-1050).

330/1-1550: Telegram

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

SECRET

NEW YORK, January 11, 1950—8:09 p. m.

24. 1. With regard to China problem in SC, USUN on January 12 faced with problem of discussing with friendly representatives US viewpoint, of meeting procedural problems which may arise in SC meeting, and of making appropriate statements consistent with US objectives. Our instruction to vote against unseating Tsiang or seating Chinese Communist (Department's No. 4¹) gives no guidance as to policy underlying position, but is limited to suggestion that we explain why our negative vote does not constitute a veto. Nevertheless, when faced with necessity discussion problem with other delegations, we have had to proceed on basis certain assumptions which it may be helpful to set forth here:

a. We take for granted our vote against unseating Tsiang or seating Communist is based essentially on fact we do not recognize Chinese Communist Government.

b. We assume that US decision concerning recognition or non-recognition Chinese Communists is matter for US Government alone, and that we will not surrender our right to make decision in accordance with our own national policy.

c. We assume that among factors which will be considered by US Government in determining when and whether to recognize Chinese Communists, the situation in UN will be given whatever weight is deemed appropriate. While we recognize that question as presented in UN is probably tail which follows dog, nevertheless, in view public interest in SC problem, we wish to avoid any action in SC which might prejudice policies or opportunity of US Government to utilize UN factor to further its policies.

2. On basis above assumptions, immediate problem is how to deal with present situation in SC in face of Soviet proposal, to unseat Tsiang, which will be second item on agenda January 12 meeting. Without undue speculation concerning probable Soviet motive in tabling resolution, at time when obviously less than sufficient votes available to pass it, we should appreciate Department's evaluation of probable significance. This appraisal, which is very difficult to make here, would help us decide whether to join with delegations favoring postponement of voting upon Soviet resolution, or whether to exert our influence towards early vote on Soviet resolution, preferably at January 12 meeting.

¹ January 5, p. 186.

It is obvious that we must avoid any prejudicial dilatory tactics inconsistent with major assumptions set forth above, particularly any efforts which may be made to adopt a procedure which would transfer to some other organ or otherwise impose limits upon our freedom to vote our position as to who has the right to sit in China's seat. Specific efforts which may be made are discussed below.

3. We assume that Soviet delegation will walk out. We believe we should nevertheless proceed immediately after the disposition, temporary or otherwise, of the second item on the agenda to a consideration of the third item, and to pass the conventional armaments resolution on to CCA. We feel strongly that SC should give world immediate evidence that it will not be deterred from transacting business in the ordinary manner by the absence of the Soviet delegate.

4. We have been advised confidentially that at January 12 meeting of the SC, Tsiang will open the meeting, get the agenda approved and then vacate his seat as President during the consideration of Item 2 on the agenda dealing with Malik's² resolution. We have no assurance as to whether Malik will attend the meeting even for the purposes of the consideration of Item 2. We do not feel that his decision in this regard need substantially affect our tactics at the meeting.

5. It is our expectation that there may be some procedural suggestions during the discussion of Item 2 from Tsiang, from Ambassador Rau,³ and possibly from the British. Our telegram No. 15 summarizes suggestion which Tsiang has made to us and it is possible that he may put such a suggestion forward tentatively or persuade the Cubans or Ecuadorians to do so. It also summarizes procedure which the British might possibly favor.

6. After the last meeting, Rau suggested a new procedure for dealing with the situation. He drew the parallel of the procedure of the [British] House of Commons which, when an election is contested, refers the matter not to a majority vote but to the High Court. The rules provide that decision of the High Court is binding. He suggests that the SC pass a new rule of procedure, before taking up the present credentials contest, which would provide that the SC would not itself decide contests regarding credentials, but would automatically refer them to a tribunal, and that the decision of the tribunal would determine who had the right to sit in the SC. His thought is that the tribunal might be made up of the President of the International Court and perhaps two others. He suggests that the other councils of the UN, as well as the Assembly, should also in due course approve similar rules of procedure and set up identical arbitral body so that all organs

² Yakov A. Malik, Permanent Representative of the Soviet Union at the United Nations.

³ Benegal N. Rau, Permanent Representative of India at the United Nations.

of the UN would accept the decisions of the same body. This body would be guided by the rules of international law, among other things.

7. Rau felt that his suggestion would relieve all members of the UN from embarrassment; would result in all organs of the UN acting in a coordinated manner; and would avoid what he considered the error of leaving decisions of this kind to a majority vote instead of to objective criteria interpreted by an objective body. He made it clear that acceptance of the decisions of such a tribunal would in no way affect the right of each member state to recognize whichever Government it desired.

8. We informed Rau of Tsiang's suggestion. He was not attracted to it, arguing that this simply left the question to the decision of the majority. We pointed out a number of difficulties which we saw with his proposal at first sight, among them the difficulty of forming the arbitral tribunal; the probable unwillingness of most nations to leave political matter of such importance to an arbitral tribunal which would have so little in the way of recognized rules of law or international practice to guide it; and the practical difficulty of getting all the organs to pass such a rule of procedure. We agreed to consider his suggestion further and advise him of our views.

9. We feel that Rau's suggestion is thoroughly impractical and unsound. Few governments would agree to arbitration of an issue so essentially political, and we would doubt its wisdom from our point of view. We doubt it will have any appeal.

10. As to Tsiang's or the British suggestion, we see a number of difficulties which lead us to feel that on balance we should avoid committing ourselves in favor of any such procedure. There is some risk, perhaps small, of being accused of making some kind of a "deal" involving an implied commitment on our part to recognize the Communists under certain circumstances. Any such procedure might well result in making clear publicly that the decision of the US on the recognition question would in fact be decisive for the UN in view of likelihood that many members would wait for US lead.

We have considerable doubts that agreement on a particular procedure could be reached between those nations who recognize the Nationalists and those nations who have recognized or plan at an early date to recognize the Communists. Tsiang and his supporters would undoubtedly try to throw the question into GA where they would seek to block action until two-thirds of the Assembly were prepared to vote in favor of the Communists. The other group would seek to avoid such a result and would seek to turn the procedure into a means of advancing the date of acceptance by the UN of the Communists. We doubt whether these and other differences could easily be bridged or that such a motion could be carried in the SC even

assuming that Russians were not present to oppose vigorously and probably attempt a veto. It would be necessary for us to take public positions on any issues which arise in the course of working out such procedure and, on balance, it is our view that we would be better off if events were allowed to follow their natural course and we retained our freedom of action. While this involves acceptance of a risk of a public fight with Tsiang in the SC as to his right to veto the credentials of the Communist representative, this seems to us to be a relatively small risk. It is one, in any case, which we would have to take if the effort to reach an agreed procedure fails. We are hopeful that we would be able to persuade Tsiang, when the time comes, not to carry his fight to that point.

11. Subject to guidance requested above, our recommendations are:

(a) That we should try to discourage any proposals along the lines of the Chinese, Indian or British suggestions considered above, and should guide the Council to an early vote on the Soviet motion preferably at January 12 meeting. This motion will certainly not obtain more than five votes at this time and probably not more than two or three. We understand instruction in Deptel No. 4, January 5, requires us to state that our negative vote is not a veto even if proposal receives or clearly will receive less than seven votes. Please confirm this understanding.

(b) That we should proceed immediately after the disposition, temporary or otherwise, of the second item on the agenda to a consideration of the third item and to pass the conventional armaments resolution to the CCA.

(c) That we make a statement, if the Russians remain absent or walk out again, comparing their boycott of the UN with the loyalty of all other members of the SC who are prepared to accept and abide by the decision of the SC on the credentials of its members regardless of which government they recognize, and making clear that the SC should proceed with its business regardless of their nonparticipation.

AUSTIN

330/1-950 : Telegram

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

SECRET PRIORITY

WASHINGTON, January 12, 1950—1 p. m.

8. Reurtel 24. Further analysis by Dept of points raised in urtels 15 and 24 will fol in separate tels.

For purposes of mtg on Jan 12 however Dept agrees with your recommendations contained para 11 reftel 24, subject to fol points:

(a) As far as question of voting on Sov res concerned, Dept believes US Rep shld exert no influence to guide SC to early vote.

(b) We shld not support proposals along lines Chi, Indian or Brit suggestions at this time. Dept appreciates merit of objectives sought by UK proposal but sees certain difficulties which we are studying and will wish explore further with Brit.

(c) In light importance principle that question of representation shld be decided by procedural vote, Dept believes you shld state US negative vote does not constitute veto in statement along lines set forth Deptel 4.

(d) Dept agrees SC shld after disposition of representation question, temporarily or otherwise, proceed to consideration conventional armaments res.

(e) Dept agrees US rep shld make statement to effect that SC can and must proceed with its normal business even though Soviet rep refuses participate. Dept assumes other dels will make similar statements.

(f) For your info Dept is generally sympathetic to objectives of various suggestions looking toward formula under which there wld be uniformity in all UN Organs on representation question. This is problem however which has many ramifications and which cld profitably be studied in UN. Dept wld support such study and believes it wld be appropriate for IC to take it under consideration so that problem of this sort in future may be handled throughout UN in orderly manner and according to procedure laid down by GA pursuant to Art 10 of Charter.¹

ACHESON

¹ In its daily summary telegram for January 13 USUN reported that "USSR again walked out [of the Security Council] after rejection of Soviet move to unseat present Chinese delegation; said would not consider valid any SC decisions taken with participation of 'Kuomintang representative'. . . ." (New York 32, January 13, 10:45 p. m., file 330/1-1350) For the January 13 Council proceedings, see SC, 5th yr., No. 3, pp. 1 ff. Gross spoke regarding paragraph (c) on January 12 and regarding paragraph (e) on January 13.

330/1-1350: Telegram

The Chargé in the United Kingdom (Holmes) to the Secretary of State

SECRET

LONDON, January 13, 1950—noon.

194. Conversations with Scarlett, head Far East Department, and Allen, head UN Political Department FonOff, indicate British position question of Chinese representatives in UN organization not yet finally determined.

According to Allen, question of removing Tsiang from SC is "premature". He added when majority SC have recognized Chinese Communist regime, Britain having recognized would logically be obliged to vote in favor of unseating Tsiang. However, until majority SC have recognized, Britain will abstain from voting on question of Chinese representatives in SC.

Allen stated it would not make sense to wait until next GA or until

majority of members of UN had recognized Chinese Communists before coming to grips with question.

Britain would prefer to have question treated as procedural in SC but Allen stated might have difficulty in maintaining this position if any member of SC insisted matter substantive.

Department pass USUN New York as London 3.

HOLMES

350/1-1350 : Telegram

The Secretary of State to the United States Representative on the Trusteeship Council of the United Nations (Sayre), at Geneva

SECRET

WASHINGTON, January 13, 1950—7 p. m.

73. In event any action is proposed in TC having effect of unseating Rep of Chi National Govt or seating Rep Communist regime you are instructed to vote in negative.

In case Council nevertheless decides unseat Rep Chi National Govt and seat Communist Rep you shld continue normal participation in Council work, pointing out that question before TC is essentially an organizational matter and that US will abide by views of Council majority.

If issue arises you shld explain in advance to other TC Members including Chi National Govt Rep that US will oppose seating of Communist Rep.¹

ACHESON

¹ Though tending to become more detailed with the passage of time, especially with referral to specific rules of procedure, basically the same instruction was sent in subsequent weeks to U.S. delegations to other UN bodies convening for the first time in 1950. These instructions are not printed.

330/1-1750 : Telegram

The Chargé in Yugoslavia (Reams) to the Secretary of State

CONFIDENTIAL

BELGRADE, January 17, 1950—11 a. m.

60. From what has been printed in local press re initial session SC, it is evident Yugoslavs have derived considerable satisfaction from two early developments:

(1) Tacit Soviet acceptance of Yugoslavia's presence on Council. In this regard *Politika* notes that Soviet delegate in statement demanding ejection Kuomintang delegation stated five SC members had recognized PR China, and that although Malik did not name five members it is well-known Yugoslavia is one. Thus in spite threats and withdrawal Vyshinski at fourth session UN at which he said USSR would not recognize Yugoslavia's election as member SC, the attitude of Malik "is obvious proof that whole Soviet campaign against

election Yugoslavia to membership in Council has completely collapsed".

(2) Opportunity for Yugoslavia to play role of ardent supporter Chinese Communist Government. In backing Soviet demand for ouster Kuomintang delegation Yugoslavia not only embarrasses USSR by display Communist orthodoxy but hopes gain favor with Chinese Communist leadership by this show of friendship and common cause.

In connection latter development Borba¹ January 16 criticizes Soviet walkout [garble] USSR had continued participate both in SC and GA subsequent PR China request November 16 to GA for ejection Kuomintang delegation from UN although now claiming attitude always based on principle. "Can this attitude of Soviet delegation be described as principled (asks Borba)? Does not this show that Soviet delegation consider that certain instruments of UN become illegal only when Soviet delegation proclaim them illegal? The question arises what use is it to Chinese people that USSR does not take part in work of SC. What use is it to Chinese people and Soviet policy to sharpen relations between West and New China? . . .² one is forced to conclusion Soviet Government here too is following its own interests exclusively".

Sent Department 60; repeated Moscow 10; Department pass Moscow.

REAMS

¹ Official Yugoslav news organ.

² Omission indicated in the source text.

350/1-1850 : Telegram

The Secretary of State to the United States Representative on the Trusteeship Council of the United Nations (Sayre), at Geneva

CONFIDENTIAL

WASHINGTON, January 18, 1950—12 noon.

93. Sov walkout Jan 16 from ECOSOC Comite on Procedure, Subcom on Discrimination and Minorities, and *ad hoc* Comite on Statelessness, fol similar SC tactics last week, suggests Sovs intend generalize this procedure in all UN organs where Chi represented. Among other reasons for this action, Sovs may consider this foolproof means curry favor Chi Communist and score propaganda victory when they return to organs after Chi Natl reps depart.

If TC refuses expel Chi rep at Sov request and Sov rep leaves TC, Dept desires you make statement along fol lines:

"Withdrawal of Sov rep from this mtg and statement just made that his Govt will not recognize legality decisions of TC taken in absence Sov rep repeats what now appears to be standard Sov practice in UN organs where Chi is represented.

"Needless to say neither this Council nor other UN organs and agencies can for one moment agree to doctrine that willful absence of single member can have any effect whatever on validity of decisions taken.

"I ask TC members to consider prospects for effective action by TC or any other UN organ if all members showed same arbitrary and dictatorial attitude as rep of USSR and absented themselves or refused to recognize decisions of organs concerned whenever their own views on any particular problem were not accepted. Clearly such an attitude wld make it impossible for UN organs to operate effectively.

"My delegation has been guided in this matter by view that any question re credentials of any rep of TC member shld be decided in accordance with TC Rules of Procedure. US accepts decision just taken by Council; if decision had been otherwise, US, although opposed to it, wld have been prepared abide by that decision and continue its cooperation in work of Council. Of course, My Govt cannot agree that non-participation of Sov rep has any effect whatever upon legality of TC decisions. As members of this Council are well aware, TC operated during its first two sessions without benefit of Sov participation. Council is fully able to do so again."

ACHESON

330/1-1950 : Telegram

The Ambassador in the Soviet Union (Kirk) to the Secretary of State

SECRET

Moscow, January 12, 1950—6 p. m.

195. Soviet press has given full coverage Soviet UN walkout as reported Embtel 129 January 14 (to which reference not made Deptel 44 January 18) and subsequent Embtels 135, 151, and 190, January 16, 17 and 19.¹

Malik speech January 10, SC session accorded one column Soviet press January 13, including following clear cut statement Soviet position: "Soviet representative also stated USSR delegation would not take part in work SC until Kmt representation were removed from it.[""] Accordance this position USSR delegation proposed expulsion from SC of Kmt representative. Malik speech January 12 SC session given one and half column Soviet press January 14. Story Malik's walkout January 13 SC session covered 96 lines Soviet press January 15 which specifically quote Malik's concluding remarks re "illegal" position Kmt representative and nonrecognition by Soviets of any SC decisions taken with Kmt representative present and include fact Soviet delegation left hall.

Subsequent Soviet walkouts ECOSOC committees briefly reported Soviet press.

¹ None printed. In telegram 44, the Department had requested the Embassy's analysis and comment on Soviet press coverage of the Soviet walkouts at the United Nations. The Department was particularly interested "any indication walkout permanent or temporary." (330/1-1650)

No editorial treatment of issue has yet appeared Soviet press but Soviet position bolstered by Tass reports of Chinese Communist press (Embtels 151 January 17 and 166 January 18) comment on SC debate.

Soviet press stories carefully written avoid any mention Yugoslav contributing SC debate except from brief reference procedural move by "representative Tito clique" in January 10 SC session.

Obvious from foregoing that Soviets not playing down their UN walkout in Soviet press. Embassy impression is that, on contrary, Soviets feel they have found in question Chinese representative UN strong diplomatic and propaganda weapon achieve several purposes:

- (1) To aggravate as much as possible US embarrassment arising from our simultaneous support of the UN and the Kmt under present anomalous circumstances;

- (2) To use our stand on Kmt representative show how we allegedly attempt dominate UN in pursuance our "narrowly selfish political and military interests above interests of UN" (Malik speech SC January 13);

- (3) To exploit differences between British and ourselves on Chinese recognition question;

- (4) To place US in bad light vis-à-vis such non-Communist Asian countries as India;

- (5) To give relatively cheap support to their new Chinese ally and profit thereby in current Soviet negotiations with Mao Tse-tung;

- (6) And to quote perceptive Borba comment from Belgrade's 60 January 17 to Department; "sharpen relations between West and New China".

From Malik emphasis on presence Kmt representative undermining "prestige and authority SC and UN as a whole" as quoted Soviet press January 15, Embassy inclined to view that Soviets will, in their curiously contradictory way, treat their walkout as a noble gesture in defense of UN principles, and doubts that Soviets consider that in taking this step they are running serious risk of having to remain out of UN permanently as result stand taken against Kmt representation. Feeling that world tide is with them on China recognition, they are probably endeavoring squeeze fullest possible advantage to themselves from situation and ensure maximum difficulties for US and friends by dramatizing present anomalous position China UN at minimum risk long term Soviet interests. Thus Embassy believes that Soviets consider their walkout as only temporary and that if circumstances should necessitate an indefinite prolongation of the "temporary" walkout, the onus will not be on Soviet Union, but on US for refusing in what Soviets may consider the light of world opinion to accept the reality of the new China.

Sent Department 195, Department pass USUN 8.

KIRK

330/1-2050 : Telegram

The Consul General at Peiping (Clubb) to the Secretary of State

PRIORITY

PEIPING, January 20, 1950.

161. There was received 1730 today under cover letter dated January 19 from General Chou En-lai his message (English translation supplied with Chinese original) to President General Assembly and Secretary General and members delegations UN and Security Council with request it be forwarded Secretary State, as follows:¹

"United Nations, Lake Success, New York, USA. To Mr. Carlos P. Romulo, President of the General Assembly of the United Nations, Mr. Trygve Lie, Secretary General of the United Nations, and member delegations to the United Nations and the Security Council.

"On the 8th of January, I addressed to the United Nations a note demanding the United Nations and the Security Council to expel the illegitimate delegates of the Chinese KMT reactionary remnant clique. Mr. Trygve Lie has kindly replied acknowledging the receipt of this note of protest and stating that copies of it have been given to the member delegations to the Security Council. I would like to inform you further, Messrs. President and Secretary General, that the Central People's Government of the People's Republic of China has appointed Chang Wen Tien Chairman of the delegation of the People's Republic of China to attend the meeting and to participate in the work of the United Nations including the meetings and work of the Security Council. Also may I request you, Messrs. President and Secretary General, to answer the following two questions,

(1) When will the illegitimate delegates of the Chinese KMT reactionary remnant clique be expelled from the United Nations and from the Security Council? I consider the continued presence to this day of the illegitimate delegates of such a reactionary remnant clique in the United Nations and the Security Council as completely unjustified. They should be expelled immediately.

(2) When can the legitimate delegation of the People's Republic of China under the Chairmanship of Chang Wen Tien attend the meetings and participate in the work of the United Nations and the Security Council? I consider that this delegation should attend the meetings and participate in the work without delay.

An early reply will be appreciated.²

¹The United States Mission at the United Nations reported in its daily summary for January 20 (telegram 61, 10:45 p. m.) that "SYG Lie told correspondents Jan 20 that the UN's stock was at its lowest ebb as a result of the dispute over recognition of a Chinese Government . . . said, in a prepared statement, that the work of the UN should not be made to suffer because of this 'political struggle'."

²In response to Chou En-lai's two questions, the Secretary-General cabled in reply: "In answer to your first question, I have the honor to call your attention to the fact that each organ of the UN is competent to act upon credentials of members. Therefore, in reply to second question, the representation and participation in work of various organs is determined by decision of those organs." (New York 63, January 20, 11:12 p. m., file 330/1-2050)

Chou En-lai, Minister of Foreign Affairs of the Central People's Government of the People's Republic of China. 19 January 1950. Peking."

CLUBB

330/1-2050 : Telegram

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

SECRET PRIORITY NEW YORK, January 20, 1950—4:07 p. m.

60. 1. A number of delegations asked our views as to whether the SC should proceed during the absence of the Russians to approve the membership applications of Indonesia or of the other states which the Assembly has requested the Council to reconsider. There are indications that Palar¹ may raise this question with respect to Indonesia.

2. It is clear that the SC has the right to adopt substantive resolutions in the absence of a permanent member, and it is of great importance to the prestige of the UN to establish the principle once and for all that it will not give in to the Russians' boycott tactics. On the other hand, membership applications involve a substantive matter relating to the organization of the UN which have permanent consequences. Assuming the Russians remain away from the Council and all these applications are approved by the Council and the Assembly it seems likely that the Russians would never recognize the new members as members of the UN. They might well refuse to sit in organs where these states are present on the analogy of the Chinese Nationalist situation. It is conceivable that the Russians might leave the organization. Furthermore, in the case of the states that the Russians had previously vetoed, the Russians would have an argument which they might use effectively that this was all a trick to avoid their veto.

3. On balance, our view is that our policy should be not to support action by the SC at this time to approve membership applications during the temporary absence of the Russians.

4. We feel considerations which should guide our tactics in handling the old applications are perhaps somewhat different than those relating to the new Indonesian application. As to the old applications, the Council is obligated only to keep them under consideration. It would seem that early consideration of this question would be taken by the Russians and perhaps the public as going out of our way to take advantage of the Russian absence to overcome their opposition. This difficulty might not exist in the case of the Indonesian application. On the other hand it would be very difficult to deal with the Indo-

¹ Lambertus Palar, Permanent Observer of the United States of Indonesia at the United Nations.

nesian application in the Russian absence and to refuse to take similar action with regard to Italy and other nations whose applications have been pending for many years.

5. The Indonesian application will presumably be filed shortly and under the Council rules would be referred immediately to the committee on membership unless Council otherwise decides. Committee on membership would, however, not need to act on the matter until thirty-five days in advance of a regular session or fourteen days in advance of a special session. In the normal course, action might therefore be postponed for some time. From point of view of our political relation with Indonesians, it may not be desirable for the US to oppose openly consideration by the Council of their application in the Russian absence, particularly if the Indonesians have made up their minds that they are prepared to take whatever political risk is involved and are pressing for such a course of action. Furthermore, it is conceivable that if the Russians are still absent at the time of a special session in the spring, we would wish to consider the situation without previous commitment in the light of the views of the other members.

6. We recommend, therefore, that in conversations with other delegates we should express the view that the Council should not go out of its way to raise the membership question during the absence of the Russians. We should not encourage Palar to speed up the introduction of his application or to believe that the Council would be prepared to act on it while the Russians are away. On the other hand, we should avoid if possible taking any firm position in opposition to Council consideration of his application in the normal course. Our estimate is that if we follow this line, Palar will find no enthusiasm in the Council for his plan, and the matter will simply die. If this does not occur and the matter is pressed further we could consider what to do in the light of circumstances at the time.

AUSTIN

330/1-2150 : Telegram

*The Secretary of State to the United States Representative at the United Nations (Austin)*¹

SECRET

WASHINGTON, January 21, 1950—11 a. m.

32. While Dept's views re various proposals for dealing with question of Chinese representation in SC and other UN organs have not

¹ Repeated to London as telegram 288.

yet crystallized, following observations may be helpful in your discussions with other SC Dels preparatory to meeting of Comité of Experts² scheduled for Jan 23. FYI we are sympathetic to objective of ensuring uniformity of action in UN organs on representation questions. We wld give sympathetic consideration to suggestions which might result in deferring unseating of Chi rep for time being, provided such suggestions wld not involve manipulation of UN procedures for obvious political purpose.

Dept wishes particularly to ascertain views of UK in order that our actions may be concerted as far as possible in difficult situation confronting SC and other organs. Dept wld appreciate info on following points: Wld British be willing to continue abstention in event Chi credentials challenged after seven SC members have recognized Chi Commies; wld any of proposals mentioned your tels 15 and 24 or in SC itself serve to assist British in carrying out such policy in SC; wld they prefer SC action limited specifically to present case or establishment of a general rule looking toward other, similar cases in future.

Our present thinking various proposals so far made is as follows:

1. We cannot agree Tsiang's position that question before SC is substantive. In our view, question is one for decision by vote of any seven SC members, and US will act accordingly.

2. We cannot agree to plan which wld appear as attempt to freeze situation, to serious detriment of UN, for period of eight or nine months, or possibly even longer if two-thirds majority shld be required for GA determination of matter. We consequently cannot approve Tsiang's suggestion that all UN organs abstain from seating Commie reps until GA has done so. However, possibility GA action need not yet be completely discarded if other factors operate to result in delay and GA Spring Session is decided upon.

3. We appreciate UKDel objectives in making suggestion that when a majority of all UN Members recognize Commies, all UN organs shld seat Commie reps. However, fol questions arise as proposal is presented in urtel 15:

- (a) How wld UK meet problem that SC has no authority to determine attitude of other UN organs on representation and that SC motion in form suggested by UK wld therefore have no binding effect, except as example, on other UN bodies?

- (b) In view of different composition of various UN organs, cld simultaneous admission of Chi Commies to all organs be as-

² The Committee of Experts of the Security Council was the rules body of the Security Council.

sured under UK suggestion even after recognition by majority UN Members, unless a controlling majority in each organ also commit themselves to support admission if necessary at that time even though their countries have not recognized Commie regime? A number of countries wld probably be unwilling to make such commitment now and thus objective of uniform action cld not as statistical matter be guaranteed.

(c) Is there not a basic difficulty connected with use of standard of recognition by majority of UN Members to determine representation on UN organs? In case of China according to Dept's info only 37 Members of UN maintained relations with that nation in 1947. Would remaining UN Members who do not normally maintain relations with Chi have to indicate their attitude by positive act?

4. Re Rau's suggestion of referring disputes re credentials to a tribunal, we agree with observations in paras 8 and 9 of urtel 24. We wld also object to suggestion made by Egyptian rep on Jan 13 for a mixed comite representing the various organs of the UN to make a determination re representation. Composition and appointment of such a body wld be a complicated procedure. In our view, if broadly representative body is to make determination re disputes on representation, GA or when not in session IC wld be organ most suited to establish precedent which wld guide other organs.

5. Re Rau's suggestion for a new SC rule of procedure designated as Rule 17A (S/1447), we have some question re desirability of establishing such a procedure for general application to this and future cases, although we wld suggest you might explore general reaction to idea of an inquiry limited to this particular instance. Our questions re Rau's rule are:

(a) Wld it be embarrassing for all Member governments of UN to be questioned as to their views each time any challenge is made of credentials of a SC rep, perhaps at successive stages in same case?

(b) Cld this action result in establishing more general practise of having SC, which represents and acts on behalf of all UN Members, poll all Member States before taking action clearly within its powers?

6. Our general feeling is that establishment of procedures looking toward uniformity of action on representation questions in all UN organs in future cases requires considerable study, which shld be undertaken by a more broadly representative organ than the SC. We are considering possibility of SC recommendation to GA to study this problem which might be immediately taken up in IC to prepare proposals for GA next fall. Wld appreciate your reaction and views of other Dels on desirability of IC study this general problem.

ACHESON

Secretary's Memoranda : Lot 53 D 444

*Memorandum of Meeting in the Office of the Secretary of State,
Washington, January 21, 1950, 11 : 30 a. m.*

SECRET

Participants: The Secretary ¹
U—Mr. Webb ²
G—Mr. Rusk ³
UNA—Mr. Hickerson ⁴
UN—Mr. Trygve Lie, Secretary General of the United Nations
UN—Mr. Byron Price, Assistant Secretary General of the United Nations

Mr. Lie, accompanied by Mr. Price, came in to see me at 11 : 30 this morning.

Mr. Lie said that he was deeply concerned over the Chinese question and the Soviet walkouts from the Security Council and other United Nations bodies. He said that he therefore wished to discuss the matter in strict confidence with me and to obtain my views on the whole situation. He said that his whole work had been based on the premise that the Soviet Union does not want armed conflict and that the Soviet Union intends to remain in the United Nations. He went on to say that developments in recent weeks have caused him to ask himself whether these assumptions are correct. He said that he understood the United States position in regard to the seating of representatives of the Chinese communist government in the Security Council and that he thought that our position was fair, reasonable and correct; that is, that when seven members of the Security Council vote to seat a representative of the communist regime on a procedural motion, this will be done. Mr. Lie spoke in high terms of the President's recent statement on Formosa ⁵ and my address before the Press Club last Wednesday on China and Far Eastern Matters.⁶ He said that after these statements he had been much encouraged and had felt that the problem was on its way to a solution. He added, however, that the seizure by the Chinese communists of US, French and Dutch official property in Peiping, and the understandable U.S. reaction thereto,⁷

¹ Dean G. Acheson.

² James E. Webb, Under Secretary of State.

³ Dean Rusk, Deputy Under Secretary of State (for political affairs).

⁴ John D. Hickerson, Assistant Secretary of State for United Nations Affairs.

⁵ For President Truman's statement of January 5 regarding U.S. policy towards Formosa, see Department of State *Bulletin*, January 16, 1950, p. 79.

⁶ For text of Mr. Acheson's remarks made before the National Press Club, Washington, January 12, see *ibid.*, January 23, 1950, pp. 111 ff.

⁷ For documentation on this subject, see vol. vi, pp. 256 ff.

seemed to him to demonstrate that the settlement of this matter along the pattern he had previously expected will be neither easy nor achieved at an early date.

Mr. Lie made it clear that he understood the US position in this matter and that he was not criticizing it. He said that he was concerned about the whole position of the UN and that he wished to ask for a frank expression of my views on the Russian attitude. Specifically, he inquired whether I had received any information indicating that the Soviet Union might be considering military action in the near future. I replied at once that I had received no such information. Mr. Lie appeared visibly relieved. Mr. Rusk asked whether Mr. Lie had any such information and he replied that he had not.

Mr. Lie inquired whether I had any information that the Russians might be considering leaving the UN. There was a general discussion of this and Mr. Rusk and Mr. Hickerson both stated that they did not believe that the Soviet Union was now considering leaving the UN. Mr. Rusk pointed out that his own view was that probably in a matter of several weeks seven members of the Security Council will have recognized the communist regime and that when that happens a communist representative will be seated on a procedural vote. He said that we regarded it as a procedural matter and that we would neither ourselves exercise the veto nor acquiesce in a veto by anyone else. Mr. Rusk continued that when the communist representative is seated, he believes the Russians will return to the Security Council and to the other UN bodies as the communist representatives are seated in those bodies. Mr. Hickerson suggested that perhaps the Russians were dramatizing the walkouts from the Security Council and other bodies to distract attention from the seating of Yugoslavia, and recalled the threats which Mr. Vishinsky^{*} made in the General Assembly about the election of Yugoslavia to the Security Council.

Mr. Lie said that if the USSR did leave the United Nations, he supposed that the Organization should go right ahead without her. I replied at once that this was our view. Mr. Rusk commented that, if for some reason we had to end UN today, in his opinion public opinion in the free world would demand that a replacement organization be set up tomorrow.

Mr. Lie said that he had been earnestly considering what, if anything, he could do to contribute to a solution of all these matters. He said that he had considered whether or not he should institute action to call a special session of the General Assembly. He said that he was fully prepared to act in this direction but he had not been able to con-

^{*} Andrei Y. Vyshinsky, Soviet Foreign Minister and Chairman of the Delegation of the Soviet Union to the fourth regular session of the General Assembly.

vince himself that it would be helpful. I agreed with him that it would not be helpful in the present circumstances.

Mr. Lie said that last November Vishinsky had invited him to visit Moscow this spring and that he had declined the invitation. He said that he had recently reflected on whether a visit to Moscow by him would be helpful and that he was convinced that in the present circumstances it would not be. He asked my view on this and I agreed with him.

Mr. Lie expressed appreciation of the cooperation which he is receiving from Senator Austin and the Department of State in UN matters. He inquired about the prospects for approval of the Convention on Privileges and Immunities and I told him that this had a high priority with us and we were endeavoring to obtain favorable action at this session. He expressed his appreciation.⁹

Mr. Webb inquired whether Mr. Lie had any specific suggestions as to action which the US Government could take or any criticism of action we have taken. Mr. Lie said that he greatly appreciated the support and cooperation which UN is receiving from the United States. He said that he had very little criticism to make. He said that ERP was becoming "a little more political" than he liked to see and questioned the Spaak OEEC appointment. He did not elaborate these points.

Mr. Lie and Mr. Price both expressed appreciation for the frank and helpful talk with us.

⁹ For documentation on this matter, see pp. 46 ff.

330/1-2450 : Telegram

*The United States Representative at the United Nations (Austin) to the Secretary of State*¹

SECRET

NEW YORK, January 24, 1950—7:27 p. m.

72. 1. Reurtel 32, Department's preliminary observations are most useful. We agree with substance of points 1, 3, 4 and 5 and that the various questions raised within these numbered paragraphs involve difficulties which would need to be overcome if any action were taken.

2. USUN seriously questions basic premise in first paragraph that it would be to our overall advantage to find procedure which would result in deferring unseating of Tsiang (or presumable seating of Communist representative) for time being. This is in our view crucial policy decision which will largely determine course of action we follow in CE (Committee of Experts), in SC and other organs at every

¹ Repeated to London on January 27.

stage. This question involves the whole issue of Soviet walkout from the UN and the proper interpretation by Department of that policy in its widest implications. We are preparing study on this question which will be forwarded shortly for Department's consideration. From standpoint effective functioning of UN and relations member states in dealings in UN organs, we believe it is in interest of the US to accept the change-over in the UN from recognition of Nationalist China to recognition of Communist China as gracefully as possible and without unnecessary delay. We feel we should follow this policy regardless of the timing of the US recognition of Communist China. We can see no advantage to the US which would result from attempting by procedural devices to delay the seating in the UN of Communist representatives. We feel we should deal with procedural suggestions on their merits and let nature take its course on the seating question.

3. We agree with first two sentences in paragraph 2 urtel but because of above considerations have doubts about last sentence. From our point of view a spring session of the Assembly might prove a seriously complicating factor because of the possibility that a majority of members would invoke the two-thirds rule and thus have a tendency to extend period of Russian walkout until fall.

4. With regard to your paragraph 6, our view is that it would be an error to press for a study of this difficult question in any UN organ and in particular the IC. We doubt that this is an issue which is sufficiently likely to recur in the UN so as to justify preparation of a procedure to handle future cases. In any event, the difficulties of discussing the question publicly are so great and the probable fruits so small that we doubt the wisdom of sponsoring or agreeing to such course of action.

5. From the tactical point of view, our main concern is that discussion of this matter in the CE and SC might bring forth various suggested procedures from other delegations and that we should have to take public positions for or against these procedures. A minor tactical consideration is our feeling that the CE will not wish to reject the Indian proposal too bluntly.

6. We were informed again today that the British will oppose Rau's proposed rule of procedure, as well as all variations reported in mytel 24; that British will favor allowing each organ to decide recognition question for itself and will not agree to abstain or accept procedure involving agreement to abstain after seven members have recognized Communists. We doubt that Rau's rule of procedure will receive serious support from other members of the SC, and remain of the opinion that it is unlikely that any procedural device for handling this problem will obtain seven votes.

7. Our recommendations are that we should take the following position in consultations with other delegations and in the CE;

A. It is bad practice for any organ of the UN to write a rule of procedure to meet a specific issue which has already arisen, and we feel there is no good reason in this case to make an exception to that rule.

B. There is considerable doubt that this issue of recognition will be a recurring problem in the UN which would justify major and controversial effort to pass identical rules of procedure in all organizations of the UN.

C. While unanimity of action by different organs of the UN may be desirable on an issue of this kind, it is probable that in the ordinary course of events considerable uniformity would come about through natural causes. Moreover, the proposed Indian rule does not seem likely to help much and has certain drawbacks:

(a) Each delegation in the SC knows through its diplomatic sources and through the press which members of the UN currently recognize Nationalist China and which recognize Communist China and can draw any conclusions from those facts which it sees fit. There is, therefore, no need to send telegrams to all governments. This procedure would simply cause delay awaiting replies; it might embarrass some governments. Some mischievous SC member could file a new motion every meeting and force replies from all members merely for propaganda.

(b) The proposed Indian rule would emphasize officially that one of the important considerations which is involved in the decision of each member of the SC as to how to cast its vote in a case of this kind is the attitude of all the other member states. To this extent we feel the Indian suggestion contains an element of value.

D. The CE should draw up a report containing conclusions along the above lines, recommending that no new rules of procedure are necessary or advisable.

8. We discussed suggestion in paragraph 7 above with UKDel today who seemed to feel this was good approach.

9. The CE meeting now scheduled for Monday morning, January 30.

AUSTIN

330/1-2450 : Telegram

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

SECRET

WASHINGTON, January 26, 1950—7 p. m.

40. 1. In view UK position as stated para 6 urtel 72 Jan 24, Dept inclined agree USUN comment in para 2 of reftel to effect that US shld not at expense of broader interests of UN attempt by procedural de-

vices to delay the seating of Chi Commie reps in UN organs. Dept agrees that, at present stage, best course of procedure is to settle problem of Chi representation independently in each UN body.¹

2. Dept still feels, however, that this type of issue is sufficiently likely to arise in the future to justify study by GA or IC, although it agrees that such study shld not be undertaken while Chi situation remains in present unresolved state. It may be that one means of preventing hasty action in Comite of Experts on Rau's proposed SC rule of procedure or other proposals along same line is to hold out possibility of such an overall study. If any steps are to be taken looking toward uniformity of action on representation questions in all UN organs, Dept believes that this shld be done in most broadly representative organ.

3. Re forthcoming mtgs Comite of Experts, Dept does not consider that any new SC rule of procedure is necessary or desirable at this time and agrees with your specific comments on drawbacks of proposed Indian rule, except for doubts indicated above re sub-para's b and c. However, we wld not want to foreclose possibility of GA or IC study in calm, divorced from present China problem, which wld help to avoid in future cases confusion and embarrassment evident in some quarters at present time. In our opinion, Comite might well include in its report to SC statement that GA is more appropriate body than SC to study this type of problem and that GA may wish to consider whether such a study shld be made.

ACHESON

¹ A useful collection of documents regarding developments on Chinese representation came up in each of the subsidiary organs of the United Nations as they met in the following 6 months or so of 1950. CA Files, Lot 56 D 625, 312.002 Chinese Representation at the U.N. 1950.

310.2/1-2750: Telegram

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

SECRET

NEW YORK, January 27, 1950—5: 52 p. m.

84. On SYG Lie's invitation Gross¹ and Ross² spent about three hours before and during lunch on Thursday discussing with him question of Russian walkouts and problem of Chinese representation in UN.

Lie's principal purpose in asking us to call on him was to express, with reference to recent discussions with officers of Department, his very great concern over situation resulting from Russian walkouts from SC and other UN bodies. He said in his view unless problems of seating representatives of Chinese Communist Government were

¹ Ernest A. Gross, Deputy United States Representative at the United Nations.

² John C. Ross, Deputy United States Representative on the Security Council.

settled within 4 to 6 weeks he was afraid Russians would stay out of UN for good, keep Chinese Communists out and proceed to set up rival organization comprehending perhaps 7 to 8 hundred million people. Consequences Lie envisaged in terms of dividing world sharply in two, destroying thereby basic principles of unity and universality on which UN was founded and increasing probability of war, so serious and preying on his mind to such extent he felt necessity of sharing his thoughts with other members UN and his duty to try devise some means solving present dilemma. In event USSR withdrew from UN others would also leave, including some "middle road" countries, he mentioned India in particular which would not wish to participate in either rival organization but endeavor to maintain neutrality.

Lie said he did not have any evidence to support his strong feeling Russians would stay out permanently if Chinese representation question not settled within four to six weeks, but subsequently in conversation said he had discussed matter with Bebler to get a Communist viewpoint and that Bebler had similar view.

Lie reasoned in effect that motivation Russian walkouts included (a) to obscure seating Yugoslav representative in SC, (b) propaganda value China, USSR posing as real friend of China in terms getting them into UN, and (c) desire to return to SC arm-in-arm with Chinese Communists and their veto. Lie did not respond directly to inquiry whether Russian objective might not be permanent withdrawal regardless what happened concerning Chinese representation. He thought, however, that part of motivation might be to prepare Russian people psychologically for possible permanent withdrawal from UN on theory that if nothing happened, i.e. war, as result of walkout, nothing would happen in event complete withdrawal. We inferred from Lie's somewhat obscure comments that if objectives indicated (points a, b and c) could not be achieved by Russians in four to six weeks period, enough of their value would be lost from Communist viewpoint to compel them to stay out of UN for good.

On question possibility setting up rival organization, Lie attached importance to apparent association of Sobolev (former UN ASYG, now we understand, head of Soviet UN office) with Mao group in Moscow. Sobolev (it will be recalled he also worked with drafting group in San Francisco³) would be well equipped to develop new organization.

Lie thought there might be some in Moscow who wanted Russia to get out of UN. He found, however, that Malik and Zinchenko⁴ here

³ For documentation on 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.

⁴ Constantin E. Zinchenko, United Nations Assistant Secretary-General for Security Council Affairs.

seemed anxious to get question Chinese representation settled promptly. Lie has apparently had two conversations with Malik. In first conversation, immediately after Malik's first walkout, Lie said he raised with Malik question why Soviets raised Chinese question in form unseating Tsiang rather than seating representatives of Communist Government. Telegram from Communist Government designating UN representative followed. Lie apparently had second conversation with Malik within past day or two. We gathered Lie outlined to Malik proposal for dealing with Chinese representation question, as outlined immediately below, and that Malik liked this proposal.

Proposal involves getting Cuban President of Council next month or, failing this, some member of SC that has recognized Communist regime to initiate call for SC meeting within two weeks. Purpose of meeting would be to hear report from Lie or ask him to prepare paper interpreting Article 23 of Charter in order guide SC in determining what is meant by "Republic of China" in present circumstances. We gathered that Lie would bring in interpretation that Republic of China is Communist China, although it was not at all clear exactly how he would go about establishing this point as matter of Charter interpretation. His interpretation would stress difference between question of recognition by individual governments and what he admitted would amount to recognition by UN. This emphasis would be designed, he frankly said, to get over difficulties which Latin American members of Council, in particular, would have so that they could maintain their nonrecognition policy as individual states as long as they liked, but still vote for his interpretation of the Charter. He is very hopeful in this connection that Ecuador and Cuba would be sixth and seventh votes needed to settle question in SC.

Lie said he had discussed his ideas with all members SC except France and India, he apparently talked with Chauvel⁵ after seeing us (see below). He said he had asked Ribas,⁶ who accompanied Austin to Habana,⁷ to try through Alvarez⁸ to get Cuban President persuaded to Lie's view and to take matter up with Austin. Lie, realizing reasons why we could not go out and lobby actively, expressed earnest hope we would respond favorably to his ideas when consulted by other delegations. He had asked Cadogan⁹ to seek London's support, and he hopes it will be possible to persuade both British and Norwegians to vote for his proposal.

Gross emphasized nubbin of matter seems to be judgment concerning Soviet motives and objectives, saying wise judgment must be

⁵ Jean Chauvel, Permanent Representative of France at the United Nations.

⁶ José M. Ribas, Alternate Representative of Cuba in the Security Council.

⁷ Ambassador Austin was in Habana at this time, where he delivered a speech on inter-American cooperation on January 28.

⁸ Alberto I. Alvarez, Representative of Cuba on the Security Council.

⁹ Alexander Cadogan, Permanent Representative of the United Kingdom at the United Nations.

based on most careful estimate this factor. We questioned whether Lie's approach was not premature and hasty and cautioned against getting jittery in situation. We said we were endeavoring to think through matter very carefully as we knew Department would be, and said we would wish further exchange of views.

We also indicated complications arising re other organs of UN pointing out, in particular, that if his interpretation would be applied to Article 23 so far as SC is concerned, it would apply also to Article 86 concerning membership in TC.

At Indian reception last night Sunde (Norway)¹⁰ raised with Ross question Lie's ideas and expressed general approval, indicating somewhat cynically that there was no problem for Norway which, since they have recognized Communists, could easily shift from abstention to vote in favor of them.

Muniz,¹¹ without any indication Lie had been talking with him, raised general problem with Ross at same reception, saying we were confronted with very serious problem choosing between two fundamental alternatives; first, to maintain unity of UN, maintaining thereby contact with Soviet Union and now very importantly with China, or, second, go it alone without Soviet Union and China as organization of western world. When asked which alternative he would choose Muniz said that statemanship requires not admitting the inevitability of war and he thought we must therefore endeavor to maintain the unity of the UN.

Chauvel this morning referred to conversation with Lie on latter's initiative which was apparently along lines our conversation with Lie yesterday. Additional points were that Malik apparently expressed to Lie disapproval of seizures of foreign government properties in Peiping, indicating they were inspired by irresponsible hotheads and must be described as blunders. Zinchenko apparently also indicated to Lie an adverse reaction to Communist Government recognition Ho-Chi-Minh regime in China [*Indochina?*].¹²

Chauvel thought Lie's proposal "might not be a bad idea". He had two reasons for this view: first, he had advised his government that in his view it would be desirable to soft-pedal substantive action in UN (the various bodies meeting from time to time, however) to avoid giving Russians any pretext for staying out of UN. He has just received word that his government agrees with this view. Second, Chauvel thought there was something to be said for trying to capitalize on Malik's apparent desire to get matter settled. In any event, Chauvel doubted if he would be able to give us any reaction by French

¹⁰ Arne Sunde, Permanent Representative of Norway at the United Nations.

¹¹ João C. Muniz, Permanent Representative of Brazil at the United Nations.

¹² Ho Chi Minh was "President of the Provisional Government of the Vietnam Democratic Republic".

Government to Lie's proposal until after Chauvel returns from Paris. He leaves New York on February 4 and is scheduled to return February 11.

Indicating we had whole matter under careful review and would be glad to consult him further, Ross expressed view Lie's proposed action might be premature and hasty, that it was necessary to maintain calm attitude and that it was impossible for US, of course, to know extent to which attitude of Malik and Zinchenko here accurately reflects views of Soviet Government.

All foregoing is being considered by USUN in preparing estimate of situation referred to in USUN 60, January 20. Our report will be transmitted soonest, probably next week.

GROSS

330/1-2850 : Telegram

The Chargé in the United Kingdom (Holmes) to the Secretary of State

SECRET

LONDON, January 28, 1950—1 p. m.

506. One senses considerable uneasiness Foreign Office over failure Chinese Communists respond more cordially British note of January 6 according recognition new regime. This accentuated by absence reply *démarche* British Consul General Peiping seventeenth, asking whether Communists agree British note in itself establishes diplomatic relations. Most curious are Communist aloofness toward India which had been inclined to meet Communists more than half-way and their pointed rebuff French in recognizing Ho Chi-minh.

During course recent conversation with Dening,¹ Embassy official attempted draw him out on question Chinese representation SC (Deptel 32, January 21 to New York repeated London 288). Dening replied whereas technical questions such as those posed by Department were beyond his competence he had in fact that morning attended staff meeting during which political aspects problem discussed at length. He said while no conclusions reached and there was evidenced considerable difference of opinion he himself had advanced theory Chinese Communist not especially interested obtaining SC seat; their one purpose, probably responsive Soviet pressure, was support Soviet objective deliberate stultification UN (Depeirtel January 19, noon). He thought Communists, both Chinese and Russian, were now attempting seal all remaining gaps in iron curtain, both in Europe and in Orient. In pursuance his argument he mentioned recent satellite attitudes eastern Europe, including detention British, French and

¹ Maberly E. Dening, Assistant Under Secretary of State, British Foreign Office.

American officials and apparent indifference American threat withdraw Minister Sofia. He pointed out Chinese Communist replies to UK and India were hardly conducive to winning over those nations whose support was essential in order obtain seat in SC. He said since British recognition Peiping Chinese Communists had not acted like Chinese at all but much more like Soviet stooges. Had they been Chinese first and stooges second they would have played their hand more cautiously; they would have wooed assiduously members SC until such time as they had replaced Nationalist Government representatives that body and only then showed their hand. Dening concluded by slyly mentioning that so far as UK was concerned it would be its policy prevent so far as practicable deliberate sealing off of Communist China and iron curtain countries generally from rest of world.

Following day Scott head SEA Department expressed similar view. In his opinion Chinese Communists whether on own initiative or as result Soviet prodding were showing no evidence of wishing cultivate friendly relations with other than limited group of smaller and weaker neighbors—USSR of course excepted. He advanced theory Chinese Communists emulating Soviets would over period next few years attempt establish throughout length southern and western borders satellite political entities which could be counted on if not openly to support then certainly not to impede their policies. Unlike Russians Chinese for their part had considerable historical precedent for such action and they could and would utilize large and influential Chinese colonies these areas in support political and economic penetration. Only after their position at home had been consolidated would they give active consideration to application armed force in pursuance expansionist policies.

Embassy aware all above highly speculative. It is possible Mao discussions in Kremlin touch on many or all above problems and Mao's return Peiping will be signal for positive action.

Sent Department 506, Department relay Moscow 39.

HOLMES

330/1-2050 : Telegram

*The Secretary of State to the Deputy United States Representative at the United Nations (Gross)*¹

SECRET

WASHINGTON, January 30, 1950—6 p. m.

46. 1. Dept in general agreement views urtel 60, Jan. 20 and believes consideration membership applications at present moment unwise. GA has specifically requested SC reconsider old applications and while

¹ Repeated to Jakarta as telegram 102.

SC can do so at any time, under normal procedures this wld obviously not take place so far in advance next GA. Accordingly SC consideration now wld appear as transparent maneuver avoid Sov veto because of Sov absence and wld likely be ineffective and probably merely bring Sov back to SC to cast veto. Further, it wld raise question of consultation with Sov in light Oct. 28 agreement on consultation before important decisions of SC.² If other permanent member did not call for consultations pursuant to that agreement, US might feel it shld inform Sov that matter was coming up and ask if they desired consultation.

Dept concurs entirely your view that it is of great importance to development UN to maintain principle that operations of SC or any other organ shld be carried on in normal fashion and are not paralyzed by Sov boycott tactics. In light all considerations, Sov absence from SC should not now be factor either for or against consideration any application. Holding of spring session GA (which, however, we do not now anticipate) might of course affect time at which consideration of membership applications wld in normal course take place and in such event Dept wld wish consider strategy in light circumstances at time.

If and when your views on general subject of membership requested by other Dels you shld in your discretion convey above position to them.

2. In respect to question of possible Indo application, you shld inform Indos as fols if they seek our views:

(a) US will of course support and vote for Indo membership in UN. However, in making their decision as to timing, Indos may wish consider fol factors:

(1) Actual admission to membership cld not take place in any case until next GA session. Moreover, Dept does not know whether Sov recognition Indo removes every possibility of Sov return to SC to veto application.

(2) In case Indo application shld be submitted and approved in Sov absence, there is possibility future attempts Sov group to throw cloud on Indo membership. In line our stated attitude we shld, however, strongly uphold validity Indo membership and we assume necessary majority in both SC and GA wld take same view.

(3) In light of above and of uncertainty of attitudes other SC members toward current submission Indo application, Indo shld in any case carefully canvass views other SC dels.

(b) In event of early submission Indo application US shld advocate normal and unhurried consideration in Comite and SC.

ACHESON

² For documentation on this matter, See *Foreign Relations*, 1949, vol. II, pp. 328 ff.

320/1-3150: Telegram

*The Deputy United States Representative at the United Nations
(Gross) to the Secretary of State*¹

SECRET PRIORITY

NEW YORK, January 31, 1950—7:24 p. m.

98. On basis of information here, it is our view that Soviet walkout is probably designed to embarrass US in its relations with Communist China and with those countries that have recognized the new regime, and they will make full use of this development in their propaganda. Consideration should be given, however, to possibility that move is designed to arrange for Soviet absence from SC to avoid embarrassment over projected direct or indirect aggressive action involving Yugoslavia, Indochina, Burma or Berlin. There also exists possibility it is preliminary step in permanent Soviet withdrawal from UN. We feel that whatever Soviet motives may be, the trend of developments may inevitably transform what is probably intended as a temporary withdrawal into a permanent one. We believe USSR may well have decided to accept that risk.

The absence of Soviets for matter of weeks would probably not have a serious effect on the functioning of UN. We would endeavor to do business as usual in their absence and keep our heads as well as persuading our friends to keep theirs. However, as period grows longer certain problems will arise which may affect Soviet decision whether to remain in UN or attempt to force other member states to make concessions as the price for resumption of Soviet participation, or leaving permanently. Examples of such problems are:

(a) A special session of GA to deal with Jerusalem and/or Spain. This would raise the question of Chinese representation again and set the stage for another Soviet walkout, or;

(b) The membership question, which would face the UN with alternative of evading problem to detriment of its prestige or taking action to admit nine new members, marking such setback in Soviet voting strength that it might balance scales in favor of their permanent withdrawal.

In private conversations here, in their world-wide propaganda and through statements by important satellite officials, Soviets have left definite impression that they will return to UN if and when Nationalist Chinese are unseated.

The feeling among other delegations here that an early Soviet return is desirable is reflected in efforts made by some figures to work out a solution. Rau of India has proposed adoption of an unsatisfactory change in rules. SYG Lie has made an impractical proposal, by way

¹ Repeated to certain Embassies as follows: Paris (436), London (476), Warsaw (45), Belgrade (63), Brussels (129).

of Charter interpretation. Their proposals are finding some favor among those who fear the break-up of UN.

The mission assumes that it remains basic US policy to seek to preserve world peace through universal collective action in UN. With regard to USSR, it is assumed that US believes that Soviets can best be held accountable for their actions through membership in UN, and that UN is only available instrument for potential bridging gap between Soviet world and free world. It follows then that it is to interest of US that Soviets resume participation as early as possible not only that pursuit of these long-range US objectives may be begun again within UN, but also to avoid the prospect that other developments might result in permanent withdrawal.

We are aware that this analysis, leading as it does to the conclusion that the early seating of Communist Chinese delegates would be consistent with US objectives concerning UN, touches only a segment of our over-all policy with regard to our recognition of Communist China, and Far Eastern policy generally. As to these latter questions, we can give no worthwhile opinion. Nor can we comment upon such important matters as timing any action we take rhythm with developments in the Far East, such as Mao visit to Moscow.

However, we feel bound to point out that in our view the issue of Chinese representation in the UN is not necessarily favorable one on which to risk permanent Soviet withdrawal from our standpoint. There is much uncertainty on question here and some tendency among other delegations to blame the US for the basic situation that gave rise to the Soviet walkout. This is true even as to some who are following our lead. If the Soviets are to leave the UN permanently, it would be better for us if this would occur over some issue which would clearly fix the blame and galvanize the non-Communist world into condemnation of Soviet wrecking UN in pursuance of some evil Soviet design.

Foregoing analysis would suggest that unless countervailing considerations are more important than our objective of keeping UN alive on universal membership basis, we should cease activity designed to discourage other members UN either (a) from recognizing Chinese Communist Government or (b) from voting against seating Chinese Communist representative whether or not they recognize Chinese Communist Government. We should neither encourage nor discourage other states from taking such action in either respect as they believe wisest from their own point of view. And as in the case of Israel admission to UN, we should not discourage other members of UN from distinguishing between national recognition policy and question of seating new representative in UN bodies. This distinction is implicit

in our public statement that we will abide by majority vote in UN organs on this question notwithstanding our recognition policy.

Please relay AmEmbassy Moscow 1.

GROSS

310/2-350 : Telegram

*The Secretary of State to the Embassy in France*¹

SECRET

WASHINGTON, February 3, 1950—6 p. m.

462. Dept. concerned attitude expressed by Chauvel N.Y. which he stated his Govt. approved that substantive action in UN during Sov. walkout shld be "soft-pedaled". While Chauvel's meaning not entirely clear, Dept. wld consider it extremely unfortunate if UN bodies were to cease carrying on normal activities, as this wld mean one state by its absence able to paralyze UN. Dept. feels normal business UN bodies shld be transacted in normal way, but provocative steps such as taking up controversial subjs such as admission of new members at unusual time shld be avoided.

Same Fr attitude described above reflected Thursday FEC where Fr representative stated body unable to proceed with any work during absence Sov Representative.

Please discuss discreetly FonOff in effort obtain modification Fr position. Embassy will appreciate importance not implying in any way criticism of Chauvel who in Paris next week.

ACHESON

¹ Repeated to USUN, New York (54), adding, "Please discuss French Del. along line Deptel 37, Jan. 24." In its No. 37, January 24, the Department had informed the Mission of its concern "over possible implications trend of thought among certain Dels . . . to effect that SC and other UN organs shld not proceed with their normal business in absence of Sov reps. . . . The Mission was instructed in its discretion in conversations with other delegations to "stress US view that no UN Member can by its willful absence impair normal functioning of any UN organ or validity of decisions which it may take. US will support maintenance to greatest extent possible of normal range and tempo of activities in all UN bodies." (357.AB/1-1650)

330/2-350 : Telegram

The Chargé in the United Kingdom (Holmes) to the Secretary of State

SECRET

LONDON, February 3, 1950—7 p. m.

634. Depcirtel January 19, noon. Parrott, [acting] head of UN Political Department, gave Embassy officer following indication present British thinking on situation in UN following Soviet walkout:

(1) Members of SC have obligation to be present at meeting and therefore no member has right to disrupt proceedings by being absent.

Otherwise SC be subject to blackmail or at mercy of whims of members.

(2) It follows willful absence of member of SC does not invalidate proceedings and in spite of absence of Soviets SC should continue to function.

(3) Nevertheless care should be taken not to provoke Soviets.

(4) Care should also be taken to avoid action in SC which might be challenged by others. Matters such as applications for membership should therefore not be taken up.

(5) One reason UK especially wants to keep SC functioning is in order to do something about Kashmir. (Exactly what is not clear.) Parrott observed India and Pakistan would have to be amenable. If not India for example might raise issue of legality of action in SC itself.

(6) UK believes USSR will return to UN organs only when Chinese Nationalist representatives have been replaced by Communists. Russians feel they have a very strong position on this issue and are prepared to see it through. British want to see question of Chinese representatives resolved speedily (presumably in favor of seating Chinese Communist representatives) in order to damage UN as little as possible.

(7) Should there be long delay in seating Chinese Communists Parrott expressed opinion that USSR might have doubts as to value of remaining in UN and might give serious thought to complete withdrawal and establishment of rival organization.

(8) Firm decisions on British position subject to approval by Bevin who is returning tonight.

Parrott indicated Foreign Office would appreciate information as to US position and thinking. As most Deptels have outlined views of others or only tentative thinking of Department Embassy has been able to give Foreign Office only fragmentary information.

HOLMES

330/2-550 : Telegram

*The Ambassador in the Soviet Union (Kirk) to the Secretary of State*¹

SECRET

Moscow, February 5, 1950—5 p. m.

394. We continue to believe as stated Embtel 195, January 19 that Soviet walkouts UN organs represent tactical manoeuver squeeze fullest possible advantage to themselves from China situation and ensure maximum difficulties for US and friends and that step not purposely intended as prelude Soviet permanent withdrawal UN (USUN's 98, January 31 to Department). General tenor *New Times* editorial reported Embtel 366, February 2 appears substantiate this

¹ In telegram 401, February 6, the Ambassador cabled the request that this telegram "in which Service Attachés concur" be passed to the Department of Defense (330/2-650).

view, particularly emphasis at end on defense and support of prestige and authority UN by Soviets.

While thus primarily prompted by what must appear to Soviets as almost sure-fire opportunity to seize upon this issue where US may seem off balance, Soviets must at same time be well aware that their action involves risk serious consequences including destruction UN as universal international agency for maintenance peace and must be confident that they will be able propagandawise to place the onus for this eventuality on US. Extent to which Soviets willing to risk protracted uncertainty and consequence possible disruption is pointed up by Soviet recognition Ho Chi Minh regime which insofar as critical UN situation concerned could be interpreted as Soviet effort to reduce chances that France as pivotal member SC would move in direction unseating KMT representative that body, and thus to force resolution problem by clear-cut capitulation US.

From this situation and from previous Soviet actions in US it is abundantly clear that Soviet attitude toward UN is completely cynical. Confronted on one hand with opportunity exploit Communist victory China and on other hand with possibility that such step could lead to break-up UN, Kremlin probably had little difficulty in making decision on narrow basis their "cold war" with US.

We still think Soviets will remain in UN as long as they believe net advantages accrue to them from their utilization UN for propaganda prestige and obstruction. They may well feel now with tide of events going their way in China and perhaps elsewhere in Asia, that if, contrary to their original estimate, their walk-out on China should lead to their permanent absence from UN, they would have left on an issue which will advance their long-term goals in Asia.

Walkout should also be viewed against background current indications recrudescence Soviet aggressive attitude along entire Soviet periphery including in addition China such key situations as Japan, Indochina, Burma, Iran, Finland, Yugoslavia, Austria and Berlin, not forgetting Trieste and Cyprus. Embassy feels that Soviet walk-out UN on China may not be unrelated broader aspects Soviet plans for next few years which may entail further crystallization international line between "two worlds". In this connection we are convinced that Soviet Union does not on its part view UN "as only available instrument for potential bridging gap between Soviet world and free world" but rather as one of several means to advance Soviet aim making world over in its image. Apparent Soviet willingness risk breakup UN in present form may stem from belief that it is now advantageous to concentrate on other more effective, perhaps revolutionary, means attaining this goal. It does not, in Embassy's view, indicate that Soviets are contemplating early outbreak armed hostili-

ties on global scale but perhaps points to feeling on part Soviets that UN membership during next few years might be more of liability than asset in light prospective opportunities Soviet Communist expansion through indirect aggression, particularly in Asia.

We concur with USUN's view that issue of China representation in UN is not per se a favorable one from our viewpoint.

However, I believe that principal issue now facing us in UN is not question of China as such but rather the problem posed by the USSR as a willful and irresponsible saboteur of the delicate mechanisms of the entire UN organization. The Soviets walkout, when they did not immediately get their way as to who should represent China in SC and other UN bodies, is only the latest and most flagrant break of Charter and UN rules by USSR. It was only last October that Communist Chinese regime formally proclaimed and only in last few days that government resistance can be said to have ceased on Chinese mainland. Not only is question national policy each member state UN toward new situation China one requiring careful and prudent deliberation over period of time, but for UN itself the problem posed is unprecedented and may well necessitate time-consuming but essential formulation of extraordinary procedures to solve. Furthermore, formula to be devised to determine consensus will member states UN as whole can be achieved through orderly and democratic means and must cover not only present case but also future contingencies of the same general nature, otherwise one can envisage future irresponsible Soviet walkouts should e.g., Burmese Communists proclaim new government Burma and get Soviet recognition.

Soviets walked out of SC in face US willingness let question be settled by legal seven vote majority and without veto, and in clear violation Article 28 charter, as aptly stated by US representative at that time. Under these circumstances Embassy believes our position moral leadership in the UN and the free world dictates that we meet situation by emphasis on censuring Soviets for their disruptive attitude. We have in mind the forward thinking that fathered the Atlantic Pact and by analogy suggest we should be prepared, if necessary, to challenge Soviets on basic question of their cooperation with the UN.

In taking bold line we should look beyond the immediate UN policy objectives set forth USUN telegram and weigh our whole policy in light of the possibility that Soviets and their satellites may in not distant future no longer be associated with UN, as a result of their blatant disregard for all elementary rules of organized international society. Embassy believes that Soviets may well expect to win easy victory by their walkout and that cold water of challenge might have constructive effect, if permanent withdrawal from UN not now contemplated. A forthright attitude would contribute foundation firm

basis continuance UN in absence USSR as cohesive force among free world which would seem be our interest.

I feel that problem should be approached not through our adopting neutral attitude of neither discouraging nor encouraging fellow members UN recognizing Communist China or voting one way or another on unseating or seating respective representatives China, but by positive insistence that question of who should represent China in UN is matter for determination by all UN member states (except China itself for both practical and logical reasons) in accordance with orderly and democratic procedures to be devised by means of an exchange of views among the governments concerned. The problem confronting UN is an extraordinary one not envisaged in Charter or in other UN rules and initiative must be taken by leading member governments themselves in cooperation with SYG Lie and President UNGA Romulo.

Soviets should be pressed to participate with other members in suitable informal or extraordinary forum to work out plan for majority determination of means to settle question seating new governments. If they decline further onus disruption universality UN will inevitably devolve on them. Attitude of USSR should be repeatedly emphasized as in violation Charter and not conducive appropriate solution.

Initiative for consultations could be taken by SYG who by virtue his general responsibilities is probably only UN figure in whose name extraordinary procedures can be devised to meet unforeseen situations of this kind. In discussing this plan with Lie by US representatives, we should emphasize our impatience with Soviet tactics on one hand and our desire see Chinese representation issue settled by orderly procedures on other hand regardless US position on national recognition. We should make clear that if Soviets refuse to cooperate in preparatory consultations envisaged, we are prepared to challenge the legal and moral validity of the Soviet position in every UN organ including next GA.

Sent Department 394. Department pass USUN 17.

KIRK

330/2-350 : Telegram

*The Secretary of State to the Embassy in the United Kingdom*¹

SECRET

WASHINGTON, February 7, 1950—2 p. m.

562. Dept's position re Sov walkouts from UN organs close to that outlined urtel 634, Feb 3. Dept view is:

1. No UN Member can by willful absence impair normal functioning any UN organ or validity decisions it may take.

¹ Repeated to USUN as telegram 61.

2. Application this position to SC made clear by Amb Gross statement in SC mtg Jan 13 that absence permanent member from SC mtg in no way diminishes its power or auth to act. Text statement being pouched.

3. Dept's present evaluation is Sov walkout temporary and does not signify permanent withdrawal near future although latter aspect being closely watched.

4. US will support maintenance to greatest extent practicable normal range and tempo activities all UN bodies.

5. U.S. will not utilize absence Sovs to bring up in SC matters which wld not normally arise. For example US wld not now initiate or support gen review UN membership applications by SC.

6. US believes SC shld continue consideration of Kashmir question regardless Sov absence.

7. On question Chi representation SC and other UN organs US position is this is matter each Member must decide for itself. US does not recognize Chi Commies and will vote against res to unseat Chi Nat reps or seat Commies at this time. US will however accept parliamentary decisions taken by UN bodies. US regards representation question as procedural in SC and not subj to veto.²

8. Sov boycott of SC and other organs is violation its obligations and responsibilities under UN Charter. Other Members shld stress fact it is Sov conduct, characterized by unwillingness accept parliamentary decisions of UN bodies, which has exacerbated situation.

Further FonOff views appreciated.

ACHESON

² At this same time the Department of State committed itself to the Congress and in the public record on this issue. Responding to a series of questions posed in the so-called Lodge Resolution (H. Res. 452, January 27, 1950) regarding the foreign policy of the United States in the Far East, the Department addressed the following question: "Has the United States Government formulated its attitude with respect to admission of the Communist regime in China to the UN?". The Department's response was:

"The United States Government recognizes the National Government as the Government of China and has instructed United States representatives at the UN to vote against motions which would have the effect of depriving National Government representatives of the seat which they are entitled to occupy in the Security Council or in other UN organs. . . .

"If a UN organ should vote in accordance with its rules of procedure to seat a Chinese Communist representative we would accept the will of the majority and continue active participation in such organs fulfilling in good faith our duties as a UN member. Such action on our part would, of course, not constitute recognition of the Chinese Communist regime."

This information was conveyed to Representative John Kee, Chairman of the House of Representatives Committee on Foreign Affairs, in a Department of State letter of February 9, 1950 (File No. 611.90/1-2950; not found in Department of State files); and printed in 81st Congress, 2d Session, House of Representatives, Report No. 1618, *Foreign Policy of the United States in the Far East*, February 9, 1950, p. 7.

The Department of State reiterated its position on this issue to Representative Kee in a letter of December 21, 1950. In sending this and a similar communication to the Chairman of the Senate Committee on Foreign Relations, Senator Tom Connally, on the same date, the Department had approval at the highest levels (File No. 310.2/12-2150 and Lot 66 D 95, Box 1798).

330/2-850 : Telegram

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

CONFIDENTIAL

NEW YORK, February 8, 1950—4:10 p. m.

138. In course conversation with Bebler latter's request this morning, Gross asked him reasons for proposing yesterday that communications from Chou En-lai concerning Chinese representation in UN be distributed as SC documents.¹ Gross wondered whether Bebler considered some action to settle Chinese representation questions and get Russians back into UN essential.

Bebler replied strongly in affirmative. He said UN before world public opinion now in very strong moral position in face of Russian walkouts constituting "ultimatum" against UN and universal idea of UN. He was sure that in very short time moral position would be reversed if through failure of UN to resolve present situation large part of world (Eastern Europe and China) were kept out of UN.

Emphasizing our adherence to principle of universality and hope Russians would return Gross, however, raised following two points:

(a) Referring situation of Yugoslavia and recognizing that although Yugoslavia probably wants Russians back in anticipation possible difficulties, Gross emphasized that resistance to ultimata and blackmail itself involved important principle. One day this might be of critical importance to Yugoslavia itself, if the price of appeasement was raised higher and higher. Question we all had to examine was price we might have to pay to keep Russians in UN in terms of giving them facility for turning spigot on or off from time to time on one pretext or other. Such denial of principle loyal observance majority rule would foster development chaos.

(b) Gross questioned whether Chinese Communists really want to get in in view of their attitude towards recognition by, for example, UK, India, etc.

Bebler recognized point made by Gross under (a) required serious consideration. On point (b), Bebler thought question of seating Chinese Communists in UN and recognition by individual governments were two entirely separate questions. He referred in this connection to Yugoslavia's position *ad hoc* [Political] Comite favoring admission Bulgaria, et cetera despite adverse state relations between Yugoslavia and Bulgaria.

Bebler went on to say he thought fundamental question involved was independence China. He was sure Mao could not have stayed in Moscow two months without independence China being involved. He felt that longer Chinese Communists kept out UN the more we would be playing into hands Russian effort to isolate China from West

¹ For the proceedings of the February 7 meeting under reference, see SC, 5th yr., No. 5, pp. 33 and 34.

and destroy Chinese independence. He believed recent history of his country pointed a lesson and said "I would be last to want to discourage Titoism in China". He concluded with somewhat illogical explanation that he had raised question yesterday hoping SC might take action in absence Soviet representative, thereby depriving Soviets of argument they had forced the action.

Please relay American Embassy Belgrade as USUN 3, Moscow as USUN 3.

GROSS

330/2-1550 : Telegram

The Chargé in the United Kingdom (Holmes) to the Secretary of State

SECRET

LONDON, February 15, 1971—11 a. m.

871. Foreign Office is outlining to British missions position in UN which adhered closely to points outlined in Embtel 634, February 3 in regard to British thinking on Chinese representation and Soviet walkouts.

It is likewise being stated that it is believed likely that following Peking Govt's telegrams to SYG naming representatives to SC and ECOSOC he [Secretary-General] may submit report to SC indicating credentials of Chinese Communists apparently in order. Should a motion approving such a report be introduced in SC British would feel compelled to cast affirmative vote.

HOLMES

310/2-1550 : Telegram

The Ambassador in France (Bruce) to the Secretary of State

SECRET

PARIS, February 15, 1950—11 a. m.

725. Deptel 462, February 3, repeated New York 54. Broustra, head of UN affairs Foreign Office, states that he is in full agreement with us re desirability of carrying on business as usual in UN agencies and not allowing Soviet walkout to paralyze UN. He referred to ECOSOC and Trusteeship Council as examples of work being carried on as usual. He said only difference he knew of between us was over question admission new states; that whereas we wished to make distinction between states whose admission had already been vetoed by Soviets and those (like Indonesia) whose candidacy had not previously been considered, French felt that no action should be taken on any new members without Soviet participation lest latter cause subsequent embarrassment and trouble. When position of French in FEC was pointed out to him he agreed this made little sense and promised to

discuss matter with Far East Section which had more direct jurisdiction on this particular point.

While expressing general satisfaction that our positions did not appear as far apart as we had feared, we suggested to him that perhaps Foreign Office attitude as he stated it was not clearly understood by all French representatives. If Chauvel continues to follow same line, it might be hinted to him that it conflicts with what Foreign Office has told us.

Sent Department 725; Department pass NY USUN 1.

BRUCE

310.2/2-2550

Memorandum of Conversation, by the Deputy United States Representative on the Security Council (Ross)

SECRET

[New York,] February 25, 1950

Subject: Chinese Representation in the United Nations

Participants: Mr. Trygve Lie, Secretary-General of the United Nations

Mr. John C. Ross, United States Mission

Lie called me out of the Security Council Chamber Friday afternoon to discuss this subject. He gave me a paper prepared by Feller and Kerno on "Legal Aspects of Problems of Representation in the United Nations",¹ and said he would like to have our views in further discussion. (Lie apparently gave Rusk a copy of this same paper last Wednesday night.) Lie made the following arguments:

1. He is very much afraid that unless the Russians are brought back into the United Nations very soon they will withdraw permanently. He considers it essential that action be taken to seat the Chinese Communists and get the Russians back in no later than sometime in March.

2. The prestige of the United Nations generally and the effectiveness of its organs are suffering serious damage during the absence of the Russians.

3. He recalled that he had been opposed to relations with Franco-Spain; he now feels he was wrong and that the view which had been expressed to him by un-named American representatives was right, namely, that it was better to be able to talk with people even though you didn't like them. He applied the same argument to Chinese Communist representation in the United Nations.

¹ The text of this memorandum is substantially the same as that transmitted to the Security Council by Secretary-General Lie on March 8, 1950, and printed as UN Doc. S/1466; see United Nations, *Official Records of the Security Council, Fifth Year, Supplement for 1 January through 31 May 1950*, pp. 18 ff.

4. Lie said he understood American policy and the reasons for it with regard to recognition of the Chinese Communists and their representation in the United Nations. He did not, therefore, ask or expect United States support in his efforts to get this matter settled. He had learned, however, that the United States Ambassador in Ecuador had been instructed to urge the Ecuadoran Government to hold off on the representation question. He said very emphatically that he did not like this because he did not see that this action was essential to our policy in any way while, on the other hand, it very seriously damaged the effective carrying out of his own responsibilities.

I expressed the following views:

Admitting that the Russians conceivably might be looking for a pretext to withdraw from the United Nations altogether, I did not feel we should exaggerate this point. It seemed to me that the disadvantages from their own point of view of the Russians withdrawing permanently from the United Nations were so great that they would think twice before taking such action. So far as the prestige and effectiveness of the United Nations is concerned, I said that I thought we and many others directly responsible for United Nations matters were perhaps excessively preoccupied with the H-bomb and the question of relations with Russia and that conversely perhaps he and others were unduly pessimistic and did not give enough time and thought and energy to the day-to-day work and solid accomplishments of the United Nations. In any event, I did not see that the problem of Chinese representation and Soviet absence was so serious that we necessarily had to rush ahead with some kind of action next month.

JOHN C. ROSS

330/2-2550

Memorandum of Conversation, by the Deputy United States Representative on the Security Council (Ross)

SECRET

[NEW YORK,] February 25, 1950.

Subject: Resumption of Negotiations with the Soviet Union Through the United Nations

Lie called me out of the Security Council Chamber Friday afternoon¹ to discuss the above question, as well as the question of Chinese representation in the United Nations on which I am reporting separately.²

¹ February 24.

² See memorandum of February 25, *supra*.

Lie said that three weeks ago he had felt that highest level discussions with the Russians were essential to break the impasse in relations with them. He has since noted with care statements made by the President and the Secretary, as well as by Attlee³ and Bevin, and he feels they are all right in taking the position that there should not be any separate negotiations with the Russians outside the United Nations but that if there were to be a resumption of discussions or negotiations they should take place through the United Nations.⁴

He said in effect he thought the President and the Secretary so far as the United States is concerned, and Attlee and Bevin so far as the United Kingdom is concerned, were committed to the resumption of negotiations with the Russians through the United Nations. In any event, he said he thought world public opinion and in particular public opinion in the United States and in Britain would compel such discussions. He mentioned the outcome of the British elections in this context and he ventured the opinion that the President would find it politically wise to back up such discussions.

With these thoughts in mind Lie said he was thinking that a special meeting of the Security Council should be called under Article 28, Paragraph 2 of the Charter at which the Foreign Ministers would represent their governments. It would be better to hold such a meeting in Paris or Geneva rather than in New York. It would be held sometime between now and the fall session of the General Assembly and it would stay in session for perhaps a month or longer if necessary, and it would consider the complex problems involved in the reduction and regulation of armaments, the control of atomic energy and the hydrogen bomb, and the control of bacteriological weapons.

(Article 28, Paragraph 2 provides for the holding of periodic Security Council meetings at which its Members might "be represented by a member of the Government or by some other specially designated representative".)

Lie said he had sounded out Malik and that while Malik had no instruction he seemed personally to favor Lie's idea.

Lie said he hoped we would give most serious consideration to his idea and let him know our views. He said he would like to get Gross and me together with him and his "brain trusts" (Cordier, Feller, Foote, Gjesdal⁵) some evening next week and discuss this whole

³ Clement Attlee, British Prime Minister.

⁴ For major public addresses and remarks made by President Truman and Secretary Acheson on February 22 and February 8, respectively, see Department of State *Bulletin*, March 6, 1950, pp. 347 ff. and *ibid.*, February 20, 1950, pp. 273 ff.

⁵ Respectively, Andrew W. Cordier, Executive Assistant to the Secretary-General; Abraham H. Feller, General Counsel and Director of the Legal Department of the United Nations Secretariat; Wilder Foote, Director of the Press and Publications Bureau, the Department of Public Information, United Nations Secretariat; and Tor Gjesdal, Principal Director of the Department of Public Information.

matter. He said he would like to have the Secretary of State and Dean Rusk know about his idea.

I said we were, of course, at his disposal. I said that Ambassador Austin was getting back from his Caribbean trip on Sunday and that we would wish to discuss this matter with him. Lie said he would, of course, want to know the Ambassador's views.

I went on to say that Lie's idea raised a number of questions in my mind. First, what would he hope might be accomplished by such a meeting of the Security Council? If there were no good reason to hope that something might be accomplished, would there be any point in having the meeting?

Second, would it be wise to consider such a move unless there was some reason to think the Russians would come to such a meeting with genuine willingness to seek agreement and intention to live up to any agreement that might be reached?

Third, such a meeting of the Security Council would be a very dramatic gesture which would capture public imagination. By definition would not such a dramatic gesture arouse hopes in the minds of people all over the world which might be false hopes? Was there not a most serious risk that if such a meeting were held and that if it should end in failure, people would interpret this failure as the utter collapse of the United Nations on the one hand, and, on the other hand, that there was no hope whatever of ever reaching agreement with the Russians on any basis?

Commenting on my questions, Lie stressed the essentiality of reaching agreement, saying there must be give as well as take on both sides, that the world could not go on with the Soviet Union and the United States holding fast to adamant positions. He emphasized, and I think sincerely, that he had no patience whatever with the Russians and their current policies, whether inside or outside the United Nations.

Commenting on the risk of failure of such a meeting of the Security Council, Lie said that failure of such a meeting would reflect a condition in the world which should not be hid from the people. He said very seriously that he would wish the people of the world to know the true state of affairs that would be represented by failure, even if this meant the risk of scrapping the United Nations and starting all over again to build a new organization.

I told Lie we would, of course, give his ideas the serious consideration they deserved and I asked him meanwhile to give his most careful consideration to such questions as those I had raised.

I had brief conversations separately with Feller and Cordier later in the afternoon. They said that immediately after his conversation with me Lie had called in his "brain trusts" and had discussed the above matter with them.

Both Feller and Cordier seemed to have a somewhat more sober view than Lie himself. Feller thought Lie's idea was basically a good one but that such a meeting of the Security Council would have to be very carefully prepared and no one should kid himself or anyone else along about what it might accomplish. Feller said it was clear we were in a situation where a long time was required to iron out the differences dividing the world. He thought it was essential, however, that discussions with the Soviet Union be resumed and preferably in the United Nations.

Cordier seemed to be rather more doubtful of the whole idea of a special Security Council meeting than Feller.

JOHN C. ROSS

FW 330/2-2550

*Draft Position Paper Prepared by the Director of the Office of United Nations Political and Security Affairs (Bancroft)*¹

SECRET

[WASHINGTON,] March 3, 1950.

THE PROBLEM

The problem is to determine the position which the United States representative should take in response to the suggestion by Secretary General Lie that a periodic meeting of the Security Council under Article 28, paragraph 2, of the Charter at which foreign ministers would be present should be held probably in Europe sometime prior to the next session of the General Assembly. The Secretary General has asked that Ambassador Gross and Mr. Ross discuss the matter informally with him and his advisers on Tuesday, March 7.

RECOMMENDATIONS

That guidance be transmitted to our representatives along the following lines:

¹ Attached to a "Memorandum for the File," dated March 17, 1950, and drafted by the Deputy Assistant Secretary of State for United Nations Affairs (Sandifer). This was the second of three draft position papers on this matter prepared on March 2, 3, and 4 respectively (those dated March 2 and March 4 also being attached to the March 17 memorandum). The substance of all three was close, changes being mainly in form and emphasis. The first paper contained an important reservation, however, which did not appear in either of the subsequent memoranda, to the effect that "... the periodic meeting would not be held while the Soviet Government is still absenting itself from the Security Council on the grounds of the Chinese Nationalist representation thereon. We assume that the Soviet Government would not agree to such a meeting while the Nationalists still represented China, and the United States could not of course modify its position so as to vote in favor of Communist representation in order to make the meeting possible." (FW 330/2-2550) No memorandum on this subject was finalized, however, at the time that these drafts were under consideration.

In the same "Memorandum for the File" of March 17 Deputy Assistant Secretary Sandifer recorded the following events and chronology:

"This question was discussed at some length, on the initiative of Mr. Rusk, at the end of the Under Secretary's staff meeting on Friday, March 5 [3?], with

Footnote continued on following page.

1. That Secretary General Lie should be informed that the United States would be willing to participate in a periodic meeting of the Security Council. We cannot of course commit ourselves definitely at that time that the Secretary of State will represent the United States. If the Secretary is unable to attend the United States will name a specially designated representative in accordance with Article 28 of the Charter. This would be in accord with our frequently announced readiness to discuss outstanding problems at any time in the proper forum.

2. That in consultations with the Secretary General the following points should be discussed, but in such a way as not to indicate that the affirmative response of the United States is in any way conditional.

a. We assume that each member of the Security Council would have an opportunity to suggest agenda items which could be discussed at the periodic meeting and that to the extent possible the agenda would be agreed upon in advance of the meeting.

b. We would hope that every effort would be made that the meeting should not arouse great expectations in the public mind, but that it would be characterized as a meeting of modest aims and objectives designed to insure that no avenue is left unexplored in seeking methods by which pressing problems coming within the jurisdiction of the Security Council may be moved forward toward a settlement. The principal aims might well be to reach agreement among the members of the Council on the methods and procedures best adapted for making progress toward the solution of such problems. The impression should be avoided that such a meeting would be a last clear chance to find a *modus vivendi* with the Soviets on such outstanding problems as the control of atomic energy.

c. We think it important that if such a meeting is held the impression be avoided that it will result in the dramatic substantive resolution of outstanding problems. The purpose of the

Footnote continued from preceding page.

Messrs. Barber, Hare, Merchant, Thompson, Sandifer, Barrett, Tate, and McFall present. It was discussed again at a meeting in Mr. Sandifer's office on Friday afternoon, March 3, attended by representatives of the same offices. It was discussed on Saturday with Mr. Rusk by Mr. Sandifer, Mr. Bancroft, and Miss Fosdick.

"The matter was reported in some detail to the Under Secretary's staff meeting on Monday, March 6. On the basis of this discussion and a later discussion with Mr. Rusk, it was decided that Mr. Gross should take an exploratory attitude in discussing the matter with Mr. Lie. Without indicating any position on the part of the United States, he should endeavor to develop Mr. Lie's thinking in the matter and ascertain what he had in mind taking up specifically and what he considered to be the possibilities and objectives of such a periodic meeting of the Council." (330/2-2550)

The persons named in the first quoted paragraph were: Willard F. Barber, Deputy Assistant Secretary of State for Inter-American Affairs; Raymond A. Hare, Deputy Assistant Secretary of State for Near Eastern, South Asian, and African Affairs; Livingston T. Merchant, Deputy Assistant Secretary of State for Far Eastern Affairs; Llewellyn E. Thompson, Jr., Deputy Assistant Secretary of State for European Affairs; Durward V. Sandifer, Deputy Assistant Secretary of State for United Nations Affairs; Edward W. Barrett, Assistant Secretary of State for Public Affairs; Jack B. Tate, Deputy Legal Adviser; Jack K. McFall, Assistant Secretary of State for Congressional Relations; Harding F. Bancroft, Director of the Office of United Nations Political and Security Affairs; and Dorothy Fosdick, member of the Policy Planning Staff.

meeting should not be for propaganda purposes, domestic or international, but a *bona fide* business meeting to advance toward a solution of the problems it takes up.

3. In the discussion with Lie USUN should not raise the problem of Chinese representation. This is a problem which we should leave up to Lie as the proponent of the idea of a periodic meeting. If Lie raises the question USUN should indicate that it is a problem for Lie to work out and that our position remains unchanged.

4. If the idea of a periodic meeting appears to have some chance of acceptance, it might be well to consider the possibility of consultations among the permanent members of the Security Council in advance of the meeting to agree on its agenda. One possibility is that we should seek to develop the attitude in respect of the meeting that it is for the purpose of reviewing the work of the Security Council at the time of the completion of its first 500 regular meetings.

5. If a periodic meeting were held it would provide an opportunity for consultations between the foreign ministers or other specially designated representatives of the three Western Powers and the Soviet. These consultations could include matters which would be better suited for Four Power consultation than consideration in the Security Council and possibly matters not related to the United Nations.

330/3-750

Memorandum by Mr. John C. Ross, Deputy United States Representative on the Security Council

SECRET

[NEW YORK,] March 7, 1950.

Participants: H. E. Trygve Lie, Secretary-General of the United Nations

Mr. Andrew Cordier, Executive Assistant to Mr. Lie

Mr. A. H. Feller, General Counsel and Principal Director of Legal Department of the United Nations

Mr. Wilder Foote, Director UN Press and Publications Bureau

Ambassador Ernest Gross, United States Mission

Mr. John C. Ross, United States Mission

We had dinner with Lie on his invitation. Most of our discussion centered around the Secretary-General's idea that there should be a "periodic" meeting of the Security Council under Article 28(2) of the Charter. We also discussed the question of Chinese representation in the United Nations, but we did not discuss in this connection Lie's memorandum on legal aspects of representation in the United Nations.

Chinese Representation

Lie expressed his strong fears about the damage being done to the United Nations by the continued absence of the Russians and the risk

that unless the problem of Chinese representation were settled quickly the Russians would stay out of the United Nations altogether. Lie and his colleagues based their concern primarily on the fundamental "universal" character of the United Nations, assuming by implication that the United Nations was of no use without Russian participation. Second, Lie and his associates emphasized very strongly their feeling that since the Communists are in effective control of most of China it should be the Communist Government which should represent China in the United Nations. At one point in the conversation Lie observed that the United States had made a fundamental mistake in its China policy five years ago, implying that we had perpetuated this mistake since then. We did not permit ourselves to be drawn into any discussion of our China policy but I think we left clearly with Lie the impression that we did not agree with his observation. Lie, with references to our domestic political situation, said that he fully understood the reasons for our position concerning recognition of the Chinese Communist Government. He implied, however, that somehow or other we had made a mistake in handling the question of Chinese representation in the United Nations. He implied that he did not feel our recognition policy necessitated our using pressure on other governments to prevent seating the Chinese Communists in the United Nations. He hoped, in effect, that we would let nature take its course, nature being his own efforts to get enough votes in the Security Council to seat the Chinese Communists. He seemed confident that the French, as well as the Ecuadoran and perhaps the Cuban Governments would see the light as he saw it.

Referring to his all-day visit in Washington on March 6, Gross avoided discussion of our Chinese recognition policy but stated our position with regard to Chinese representation in the UN in the following terms: Observing that the present situation was hardly one that resulted from mistakes made by the United States but rather was the result of illegal action by the Russians in walking out of the Security Council and other UN bodies, Gross said he thought the fundamental question we must all consider was how much price we were willing to pay to avoid Russian blackmail. We were clearly now being blackmailed by the Russians. If we yielded to this blackmail and the Russians returned to the United Nations, what blackmail might they not attempt next? Would they perhaps, for example, at some future time refuse to sit in the Security Council, if it suited their purposes, with governments which recognized the Bao Dai Government of Indochina [*Viet-Nam*]?

So far as the United States position was concerned, Gross went on to say that there had been no change whatever in our policy as he had stated it in the Security Council when the question first arose.

We do not recognize the [Communist] Chinese Government; we would therefore vote against unseating the Nationalist Representative and we would not vote in favor of seating a Communist representative. Our vote, in any event, would not be construed as a veto and unlike the Russians we would abide by the decision of the majority. So far as other governments were concerned we would not bring pressure on them nor had we brought pressure on them. We would, of course, express our views frankly and without reservation and there was no question, of course, but that our views carried weight with other governments. We felt, however, and we would tell any other interested government that the question of how they might vote on the matter of Chinese representation was entirely a matter for their own judgment.

Lie and his associates were obviously gratified by Gross' statement of our position. To avoid any possibility of misunderstanding, therefore, we very emphatically made clear to them that if our position might be described as one of neutrality it should not be misinterpreted by them as being anything other than strictly just that. They should not as a result of wishful thinking in their desire to get the Chinese representation question settled and the Russians back into the United Nations, misinterpret our position as representing a change in policy, as one that might be described as benevolent neutrality or as one either more or less sympathetic to Mr. Lie's efforts to get the question settled. We made it clear by strong implication that we should very much regret any possibility of misinterpretation of our position, however well-meaning or unconscious such misinterpretation might be.

"Periodic" Meeting of the Security Council

Lie gave us copies of a memorandum apparently prepared by Mr. Feller in the first instance, dated March 7 and entitled "The Resumption of East-West Negotiations in the United Nations". We endeavored to keep this part of our conversation on a basis of raising questions rather than commenting on Mr. Lie's ideas and those of his associates, as set forth in the paper distributed to us and in the observations made by them during the course of the conversation. We did not have any detailed discussion of the paper as such. We emphasized generally in our questioning the importance of examining very carefully the principles on which all of these ideas were based and of trying to determine a course of action on the basis of what we feel is the right thing to do rather than expediency. We said, in effect, that our attitude toward Mr. Lie's suggestion for a periodic meeting of the Council was one of sincere, even-handed open-mindedness.

We discussed rather briefly the question of atomic energy control.¹

¹ Documentation on this subject is scheduled for publication in volume I.

Gross, referring to his discussion with the Secretary on Monday, raised one of the fundamental problems, namely, what seemed to be the Russians' mysticism concerning the possibility of making up for the hundred years of lost time in industrial and economic development through the application of atomic energy. This concept involved large reactor piles of atomic fuel. Such large piles could very readily and quickly be diverted to the manufacture of atomic weapons. For this reason it was felt that international "ownership" was absolutely essential. If, on the other hand, consideration were given to a system of control based on inspection alone this would mean that large reactor piles could not be maintained and at the same time allow for reasonable security. If consideration were given to a plan involving the non-maintenance of large reactor piles, would the Russians then not accuse us of trying to retard their development by a century.

There was some discussion of the idea put forward that a periodic meeting might instruct the Secretary-General to call a conference of scientists on the subject of atomic energy and other weapons of mass destruction, including biological warfare. Gross, assuming that a meeting of scientists could always find plenty to talk about, questioned whether a conference of scientists such as envisaged by Lie and his associates would serve any useful purpose unless the terms of reference for their discussions were clearly laid down in advance. In the situation confronting us such terms of reference could only be the political postulates on which international agreement might be based. The question of these political postulates was, of course, the essence of the present problem; thus did we not meet ourselves going around in a circle? Lie and his associates saw the point and they indicated that this particular idea, as well as other particular ideas, should not be taken too literally but rather only as illustrative of the kinds of things the periodic meeting might deal with. Their main idea was that there should be a resumption of discussions with the Russians; that this should take place within the United Nations, and that a periodic meeting of the Security Council seemed to them to be the best vehicle for this purpose. They were wholly open-minded on the question of what would be talked about at such a meeting. One reason why they had suggested a conference of scientists was to provide a vehicle for continued discussion after adjournment of the proposed periodic meeting. Another device for this same purpose, as set forth in the Secretariat paper, would be provision for subsequent periodic meetings of the Security Council, perhaps twice a year.

We emphasized in our questioning what we felt was perhaps undue attention in the thinking of Lie and his associates with regard to the essentiality of agreement at a periodic meeting of the Security Coun-

cil on at least some of the outstanding items of difference with the Russians. While agreement was, of course, by definition a desirable objective, was there not great danger of misleading world public opinion into believing that the road to agreement was easy and quick?

We touched on the question of Chinese representation very incidentally in this context in view of the fact that Lie and his associates seemed to have the feeling that the Chinese representation question might be the first item on the agenda of such a special meeting. They seemed to have the idea that this question might be on the agenda of such a meeting largely as a formality, the essential agreement to settle the question having been reached before and outside the Council.

There seemed to be general agreement as a result of our brief discussion of this point that the question of Chinese representation and a special meeting should not be confused by being tied up together. Lie seemed to have very definitely in mind the month of May as the deadline for a special meeting with the Council.

Before our conversation concluded Gross asked Lie what he would think of the possibility of representatives of the United States, the United Kingdom, France and the Soviet Union getting together periodically but most informally, perhaps with Lie also, for dinner. The idea would be not to have any purpose of discussing anything in particular with the Russians, at least at the outset, but simply to provide an opportunity for discussion. The press would probably hear about such meetings but would probably lose interest after the first two or three had been held. Lie and his associates responded very favorably to this idea.

Our discussion concluded on the note sounded by Lie that he, of course, understood that we were not in a position to give him any definitive comment on his idea of holding a special meeting of the Security Council and that we would want an opportunity to consult the State Department. He expressed the hope that the United States might take the leadership in developing his idea, particularly among some of the smaller delegations. It should be noted, however, that in the course of our conversation enough was said by Lie and his associates about his responsibilities under Article 99 of the Charter to indicate that Lie himself would not consider it in any way improper for him to propose a special meeting of the Security Council in a formal way to the Council.²

JOHN C. ROSS

² Subsequent documentation on this subject is scheduled for publication in the compilation on the London meeting of Foreign Ministers in volume III.

810.393/3-1150: Telegram

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

SECRET PRIORITY

NEW YORK, March 11, 1950—6:28 p. m.

241. For the Secretary and Rusk. In view of mission, it is of decisive importance that Department without delay take careful inventory of situation re Chinese representation question in UN. We feel this is essential now because (1) SYG Lie's current activities and statements, however well intended, threaten to cause confusion, and (2) our exploratory discussions here indicate that US position is not clearly understood by other members SC. Reasons for misunderstanding are summarized below:

1. Re SYG Lie's activities, little need be said other than that he is admittedly waging campaign designed to bring about seating Chinese Communist representative in SC and other UN organs. In our judgment, his activities do present serious problem to USUN in terms of our relations with SYG and other delegates. Our line has been and, subject to further instructions from Department, will remain, to avoid actions which might be interpreted as controversy between US and SYG. We have attempted to make clear our position to him privately, as reported in memorandum of conversation held by Gross and Ross with Lie, dated March 7.

2. Regarding US position, we have had lengthy conversations with Egyptian and Ecuadoran delegates during past few days, and these are separately reported. In order to assist Department in evaluation these discussions, it may be helpful for us to summarize at this point factual background of US Government activities during past few weeks, country by country.

First, Ecuador. Department will understand, of course, that our activities with respect to Ecuador, referred to immediately below, have undoubtedly been made known to SYG and other dels concerned by Ecuadoran Del in NY. We have learned press here has some information concerning US approaches to Ecuadoran Foreign Office.

On January 12, on instruction from Department, I made the following statement in the SC:

"The resolution submitted by the representative of the Soviet Union is directed at unseating Dr. Tsiang on the ground that his credentials are no longer valid because they emanate from a government which the Soviet Union no longer recognizes. Each member of the council is of course free to vote on this proposal in accordance with its own views concerning the question of recognition. The US Government recognizes as the Government of China the Government which has accredited Dr. Tsiang to the SC. My Government therefore considers

that Dr. Tsiang's credentials remain valid and will vote against the Soviet Union draft resolution.

I should like to make it clear that the US Government considers that the Soviet Union draft resolution presents to the council a procedural question involving the credentials of a representative of a member. Accordingly, a vote against the motion by my Government could not be considered as a veto, even assuming that seven members of the council vote in favor of the resolution. I wish to make it clear that my Government will accept the decision of the SC on this matter when made by an affirmative vote of seven members."

Embassy Quito advised Department 12 January (Quito's No. 6) that Foreign Office had informed Embassy of Ecuador's "present intention" to break diplomatic relations with Chinese Nationalists and to delay recognition Communist Government "for some time thereafter". Foreign Office requested US views.

Pursuant to instructions from Department (Deptel No. 3, dated January 17 to Quito) US Ambassador January 18 handed Foreign Office memo which, among other things, said that while US Government realizes that international political decisions involving recognition are for each country to make independently, "we wish to observe that breaking of relations by Ecuador with Chinese Nationalist Government would have important effect upon voting situation, already delicate, in SC in connection with Soviet efforts unseat Chinese Nationalist Government representative". After further reference to UN situation, message delivered by Ambassador expressed US view that "Ecuadoran Government might wish to consider deferring, at least for present, breaking relations with Nationalist Government".

USUN outlined its views for consideration Department in USUN No. 98, dated January 31, suggesting that in absence countervailing considerations, we should "cease activity designed to discourage other members UN" from taking such action which they believe wisest from their own point of view re representation question.

Prior to receipt USUN's No. 98, Department sent to certain AR missions Depcirtel dated February 1, 1 a. m., instructing them to explain our point of view re recognition, to make clear that decisions re diplomatic relations are for government to make independently, explaining the advantages we attach to continuing exchange views, and developing harmony of action among American republics on this matter "to extent possible". This Depcirtel did not explicitly refer to UN seating question as did the message in Quito's No. 6.

Upon receipt information copy Depcirtel, USUN pointed out to Department in USUN's No. 113, February 2, possible significance omission of reference to this question and suggested that question of whether Chinese representation in UN organs was identified with

national recognition policy too important to leave to implication, but should be made explicit.

Shortly thereafter I had benefit of discussion foregoing in Department. I was advised Department was then considering nature of reply to Cairo's telegram No. 75, January 24, in which Embassy reported that Egyptian Foreign Minister was "unhappy about happenings at Lake Success" re Chinese representation and would like Department's ideas or suggestions. Following my discussions in Department, Embassy Cairo was advised (No. 94 to Cairo, February 4) of US view that Chinese representation in UN bodies is that each member must decide for itself what position it will take, together with an explanation of our position.

Re Cuba, USUN has received copy Embassy despatch Habana No. 450, February 28. Embassy Cuba reports Chinese Ambassador Pao, accredited to Peru, while in Habana advised American Embassy that re matter recognition Chinese Communist Government, Pao had gained the impression that "Cuba would follow the lead of the US". No reference is made in Embassy despatch to Cuban attitude re Chinese representation question.

Turning now to discussions here, it is important in our view to consider significance our talks with other dels in NY in light of foregoing summary of US Government activities.

USUN discussions past few days with Dels of Ecuador, Cuba, Egypt, and France indicate clearly these four governments intend to maintain present position. None of the four is "in a hurry" to recognize Communist Government or to vote to unseat Nationalist representative in UN organs or to seat Communist representative. France will abstain in vote; other three will vote against unseating Nationalist or seating Communist.

Lengthy discussions of Gross with Viteri-Lafronte (Ecuador), to be reported separately, make it perfectly clear that Ecuadoran position is based on desire Ecuador to comply with what it considers the "US request" embodied in Embassy message January 17 referred to above. After careful exposition by Gross of sincere view US Government that seating question was one to be decided by each SC member for itself, it became clear Ecuadoran Del was puzzled by what he considered double talk. On further pressing by Gross, Viteri-Lafronte produced his instructions from Quito as well as Spanish translation American Embassy message January 18 to Foreign Office. He explained that President of Ecuador attached greatest importance to "ties of understanding and friendship which bound our two countries" and was aware that consequences of Ecuadoran vote in SC would "hardly affect Ecuador at all, but would be of very great importance

to the US". He said his government could not take such a decision without being certain that US Government considered it to be to its own best interests because otherwise Ecuador might "take the risk of causing US harmful consequences which it would not under any circumstances want to do".

Gross replied that we considered it to be to our own best interests in this situation to encourage Ecuador to make a decision from the point of view of "Ecuador's best interests". Viteri-Lafronte replied again that Ecuador's best interests lay in the direction of taking action which was of greatest benefit to the US. If the US advised Ecuador that for any reason we felt it to be to our best interest to have the Chinese Communist representatives sit in UN organs, Viteri personally felt his government would vote for that and would understand the special reasons why we would continue to vote against.

In summary, it appears to me we face following dilemma in light of action we took on January 18. So long as January 18 request remains "effective", it will be difficult for USUN to convey to Ecuadoran Del US view that Chinese representation question is indeed one for Ecuador to decide in accordance with its own wishes and interests. Such assurances are likely to be construed as a poorly disguised suggestion that Ecuador is now "released from our request" and that we now would prefer them to vote to seat the Communist representative.

SYG Lie appears to be busy creating this impression. Chilean delegate, Santa Cruz, confirmed this to me today and said Latin American delegations generally were of opinion US now "would like to see the end of the deadlock". I denied this, repeating our true position.

Re Egypt, USUN believes on basis conversation with Fawzi Bey that Egypt is not only "in no hurry" to seat Chinese Communists, but is likely to refrain from changing its position until and unless US set the pace. Egyptian view seems based upon feeling that in this matter US leadership responsibility "cannot be avoided" and that US should not expect smaller countries "to make our decision for us".

Following my most recent trip to Washington last Monday, in conversing during the past week with Lie, Shone, Chauvel, Fawzi and Tsiang, as well as Viteri-Lafronte, I have stated the position of the US as follows:

1. With regard to the question of the recognition policy of the US towards China, this is a matter within the special competence of the President and the Secretary of State. USUN has no responsibility in this matter and therefore it is not appropriate for USUN to comment on the question, other than to say that it remains US policy not to recognize Communist Government.

2. With regard to the question of Chinese representation in the UN, the position of the US has not changed in any particular, but remains as stated by Gross in the SC on January 12. The US position may be summarized as follows:

(a) The US continues to recognize Nationalist China and does not recognize the Communist regime in China.

(b) In the present situation, the US representative will vote against unseating the representative of the Nationalist Government or seating a Communist representative in the SC or any other UN body.

(c) The US considers that this matter is a procedural one and that our negative vote is not a veto.

(d) The US will abide by whatever constitutional majority decision is taken in any UN body.

3. The US does not intend to seek "to bring pressure" or otherwise to encourage, discourage or to influence other governments or dels to vote one way or the other on the issue of Chinese representation in the UN. The US considers that this issue is one to be decided by each individual government in the light of its own circumstances and interest, just as the US and the UK are doing. To emphasize this, I have pointed to obvious differences in US and UK attitudes.

4. We hope the Russians will return to and begin for first time to participate fully in the work of UN bodies. We believe in the principle of universality on which the UN was founded. We feel that responsibility for the relative [in]effectiveness of certain UN activities at the present time, notably in connection with efforts to establish an effective system of international control for atomic energy, rests squarely on the Soviet Union which has acted illegally and irresponsibly in absenting itself from UN bodies, and that the US and governments other than the Soviet Union and its satellites bear no share whatever of this responsibility. We feel that any decision with respect to meeting the Soviet tactics should give due weight to the question of how much of a price should be paid to the Soviet Union to induce them to "walk into" the UN.

Meanwhile, I also met with press at their request on March 8 and outlined US views in foregoing sense (text of transcript sent to Bancroft).

In light of publicity concerning Lie's approach to problem and his statement to press March 10, we assume probability he will continue urge his views not only on SC members, but also on other UN dels in NY. Accordingly, we consider it important to avoid misunderstanding or misinterpretation our position this whole matter. There are three principal points on which we should appreciate Department's urgent instructions:

(1) Do the statements we have been making here as outlined above correctly reflect US position re (a) Chinese representation; (b)

charges of US "pressure" and (c) Soviet responsibility for present situation.

If answers to foregoing are affirmative, we would suggest that so far as possible further discussion of matter be centered in NY, although we would recommend that circular be sent to US missions to member governments of UN (other than Soviet and satellites) explaining our position in terms set forth above for their information and background, but not for action. It would also seem desirable to issue an appropriate instruction to Embassy Quito pointing out our present position and reasons for it. We consider it essential that approaches to Ecuadorans in Quito and NY be thoroughly coordinated and synchronized.

GROSS

310.393/3-1150 : Telegram

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

SECRET

WASHINGTON, March 22, 1950—6 p. m.

121. Statement of US position contained in numbered paras near end of urtel 241 Mar 11 is accurate and shld be used in conjunction with statement that each memb is free to make own decisions in light of its own circumstances and interests and its appraisal of best interests of UN. In further discussions re Chi representation problem you shld continue to stress this position. You may add if necessary to clarify US position that although reasons why US opposes seating Commie rep are generally those which also lead us not to recognize Commie regime, we recognize that other govts may not have same approach subj and must determine for themselves how they vote on representation question.

While we are aware that our vote against unseating Natl rep and the expression of our views as outlined preceding para inevitably affect thinking of other govts on this question, because of UN interest involved we wish to refrain from any efforts to influence others or from activities which might subject us to charge of bringing pressure on other membs on representation question. In other words we do not wish to interfere in any way with normal parliamentary procedures including free discussions among membs and decisions freely arrived at.

ACHESON

310.2/3-2350: Telegram

*The Secretary of State to Certain Diplomatic Missions and
Consular Offices*¹

SECRET

WASHINGTON, March 23, 1950—6 a. m.

1. US Mission to UN reports US position on question of Chi representation in UN not clearly understood by all other Members UNSC. Circulation to UN Members by SYG Lie of legal memo on question recognition of Chi Commies and Chi representation in UN organs has added element of confusion. Lie's memo based on premise that linkage between question of representation in UN and question of recognition by Member Govts is unfortunate from practical standpoint of UN operations and erroneous in legal theory.

2. US position which has been stated in SC and in other UN organs may be summarized as follows:

- a. US recognizes Nat Govt;
- b. US opposes unseating of Nat reps in UN or seating of Commies;
- c. US believes question of representation is procedural and can be decided by each organ of UN by necessary majority;
- d. US will accept parliamentary decision made by each organ on this question;
- e. US believes each Member should decide for itself how it will vote on question in light of its own circumstances and interests and its appraisal of best interests of UN.

3. Although reasons why US opposes seating Commie rep are generally those which also lead us not to recognize Commie regime, we recognize that other govts may not have same approach subj and must determine for themselves how they vote on representation question. While we are aware that our vote against unseating Natl rep and expression of our views as outlined preceding para inevitably affect thinking of other govts on this question, because of UN interest involved we wish refrain from any efforts influence others or from activities which might subject us to charge of bringing pressure on other membs on representation question. In other words we do not wish to interfere in any way with normal parliamentary procedures including free discussions among membs and decisions freely arrived at.

4. Important to note that present situation in UN organs arises not from US attitude, but from Sov walkout due its unwillingness accept majority decision. Blame for present situation lies with USSR and not with US or any other Member which continues recognize Nat Govt.

5. If question arises you may discuss with FonOff for purposes of clarification.

ACHESON

¹ Sent to the United States Mission at the United Nations (USUN) and to the United States diplomatic missions and consular offices located in 52 of the member states of the United Nations, for action; sent also to those in Formosa, the Soviet Union, Czechoslovakia, and Poland for information.

Editorial Note

Consideration of the question of Chinese representation in the United Nations in the context of the May meeting in London of Foreign Ministers is scheduled for publication in volume III. An understanding was reached at this meeting that the three governments would keep in close touch concerning United Nations matters through the permanent missions at New York. There were however no significant developments at the United Nations prior to the outbreak of hostilities in Korea on June 25.

For a statement about Chinese representation on June 7 by Secretary of State Acheson, in the course of remarks about Secretary-General Lie's visit to Moscow, see Department of State *Bulletin*, June 26, 1950, page 1050.

310.2/6-2950

*Memorandum by Mr. G. Hayden Raynor, United Nations Adviser,
Bureau of European Affairs, to the Assistant Secretary of State for
European Affairs (Perkins)*

SECRET

[WASHINGTON,] June 29, 1950.

Subject: Chinese Representation in the UN—Short-term Position

The Security Council meeting on Tuesday [June 27] demonstrated that for quick emergency action at the moment, we required the vote of the Chinese National Government in order to get the required seven votes for action.¹ Hence, it seems to me to be clear that at least while the present situation exists, it is important to us that the Chinese Nationals retain their seat. Hence, it seems to me that at least for the short term some change in our present position of "neutrality" on this question is in order. The situation has an urgent aspect because the British had been intending, at the opening of the ECOSOC meeting in Geneva on July 3, to change their vote from one of abstention to favoring the unseating of the Chinese Nationals and presumably the seating of the Chinese Communists. A telegram from London Embassy indicates that because of present developments the British *may not* take this position but the telegram was not definite. I think the situation calls for us to urge the British not to make this change in Geneva and I would also think serious consideration should be given to our letting other delegations generally know that because of recent developments we think, at least at this time, there should be no change in the status quo on the representation question.

I have given these views to Ruth Bacon as FE is the center of gravity in the Department on this question.

G. H[AYDEN] R[AYNOR]

¹ For documentation regarding the outbreak of hostilities in Korea on June 25 and the United Nations response, see volume VII.

310.2/6-2950

Memorandum by Miss Ruth Bacon, United Nations Adviser, Bureau of Far Eastern Affairs, to the Acting Deputy Director of the Office of Chinese Affairs (Freeman)

SECRET

[WASHINGTON,] June 29, 1950.

The North Korean attack on the Republic of Korea and the policy concerning Formosa set forth by the President in his statement of June 27¹ necessitate a reappraisal of the situation concerning Chinese representation in the UN.

1. The North Korean attack will in all probability serve as a deterrent upon some states which have given indications of veering toward seating the Chinese Communist representatives.

2. The President's statement by placing the US in the position of protecting Formosa and giving orders to the Chinese Government as well as by questioning China's title to the sole remaining territory of any importance under National Government control has weakened the practical basis for our insistence that China is a great power entitled to a veto. Logically, the President's statement would appear to pave the way for our unseating the National Government representative though not for our supporting the seating of the Chinese Communist representative. A vacancy on the Security Council would, however, create legal complications.

3. Tuesday's vote in the Security Council on the question of enforcement measures in the Korean situation showed that we possess no margin of dependable votes on this question. If a National Government representative had not been on the Security Council on Tuesday, the necessary seven votes would apparently not have been available and the resolution would have failed. Of course, it may be argued that India and Egypt, realizing that the resolution would pass without their votes, felt under less pressure to support the resolution.

Under existing circumstances need for a dependable majority in the Security Council would appear to be the overriding consideration. Accordingly, it is suggested that we should inform other friendly powers that for the present we believe that any change in Chinese representation would be undesirable; and that UNA and the other geographic Bureaus should be so informed so that immediate steps in this direction may be taken.

It is understood—subject to final confirmation—that the British will probably not vote against the National Government representatives at the ECOSOC meeting on July 3. The above proposal would ensure that if the British are in any doubt on this matter the doubt should be resolved in favor of continuing the present Chinese representation. EUR—Mr. Raynor concurs in this suggestion.

¹ For documentation regarding this subject, see vol. VII, p. 202.

We should also, of course, explain to our Mission in New York and to friendly UN members the intent of the President's statement on Formosa along the lines of the Department's telegram no. 512 to Taipei, June 28.²

² Not printed.

310.2/7-350 : Telegram

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

CONFIDENTIAL

WASHINGTON, July 3, 1950—5 p. m.

9. In view Korean situation Dept considers it wld be undesirable for Chi representation question be raised SC at this time. In event you receive evidence that question may be raised, you shd express this view other UN Dels. In addition, you may as appropriate indicate that during Korean crisis we wld be even more disinclined see change Chi representation.

ACHESON

310.2/7-350 : Telegram

The Secretary of State to the Embassy in India¹

SECRET PRIORITY

WASHINGTON, July 4, 1950—6 p. m.

9. You are authorized explain appropriate official GOI reurtel 14 of July 3² that there is no change in our position re application veto to question Chi representation. Emphasize that Dept considers in view Korean situation it wld be most undesirable for question Chi representation be raised SC or other UN organs at this time. United efforts SC and free world shd, we believe, be directed to successful handling Korean situation and Council's work shd not be complicated by contentious issue Chi representation.

In ur discretion you may wish state that US appreciates GOI's motives this problem purely constructive but that during present

¹ Repeated to USUN as telegram 17.

² In this cable the Ambassador in India (Henderson) reported that he had been informed by Sir Girja Bajpai, Secretary-General of the Indian Ministry for External Affairs, that the Government of India was of the opinion "that it was extremely important at this juncture for preservation of world peace that the Communist Chinese and the Soviet Union sit in the Security Council and that it was therefore endeavoring to persuade other members of the Security Council who had not thus far done so to vote for immediate admission of the Communist Chinese. He asked whether as result of aggression in Korea US Government had changed its position which had been that it would accept a majority vote in the Security Council re the Chinese question." (795.00/7-350)

crisis we see no change beneficial East-West collaboration developing through this approach. On other hand serious and effective obstruction SC by Commies wld be certain in improbable event such step were taken.³

ACHESON

³ For documentation regarding the *démarche* made subsequently by the Government of India regarding the Security Council and Korean situations, through the transmission of two personal messages from Indian Prime Minister Jawaharlal Nehru to the Secretary of State, dated July 13 and July 18, respectively; Secretary Acheson's reply of July 18; and other related correspondence, see volume VII. Other documentation, reflecting further Henderson-Bajpai conversations in New Delhi, is not printed (310.2 and 330 files).

330/7-2750: Telegram

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

NEW YORK, July 27, 1950—8:53 p. m.

146. Following is text of Malik (USSR) communication to UN SYG re August SC: (Doc./1643):

"I consider it necessary to inform you that, in accordance with established procedure, I am assuming the presidency of the SC in August of this year and that I am setting the date of the meeting of the Council for 1 August at 3 p. m.

"I request you to arrange to notify the members of the SC regarding the date of the meeting.

"The agenda will be communicated subsequently."

AUSTIN

310.5/7-2850: Telegram

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

SECRET NIACT

NEW YORK, July 28, 1950—7:55 p. m.

152. At meeting under Sunde chairmanship this afternoon with UK and French delegates, among questions discussed, and which are reported separately, consideration was given to possible procedural steps in anticipation alternative assumptions of action by Soviet representative re Chinese representation. Several alternative possibilities foreseen follow.

Soviet delegate might:

(1) Introduce motion to unseat Tsiang and/or seat Communist. UK, French and Norwegian delegates reveal they are at the present moment without definite instructions as to how they should vote on such motion.

(2) Attempt exercise prerogative as President SC and rule out of hand that Tsiang not entitled to seat as representative of China. In such event US will be prepared challenge ruling in accordance with conversation Hickerson-Austin 28 July. UK delegate is requesting instructions from London on basis Jebb recommendation he be authorized to challenge President's ruling on ground that it is a hocus, not sanctioned by rules of procedure, to thwart majority will of Council. Norwegian delegate raised tactical (and we think captious) point that if Malik's ruling were challenged, Soviet could propagandize on basis that countries challenging his ruling do not wish Chinese people to be represented in SC. On this analysis Norwegian delegate expressed tentative preference for raising question of President's right to make such a ruling and to request vote not on basis of challenge to his ruling but on basis of his power to rule on such a question. We, UK and French delegates pointed out this might involve a long and undecipherable debate on a doubtfully sound technical basis.

(3) Indicate, without making a ruling, that he intends to rule that Tsiang is not legally entitled to sit as the Chinese representative. We do not think this alternative likely but we would be prepared in any event to raise point of order which would be put to vote if President permitted, or to await ruling which we would challenge as outlined in paragraph 2 above.

(4) Exercising prerogative as President, attempt to put to vote right of Tsiang to occupy Chinese seat. Soviet representative, for example, might make statement purporting to cast doubt on Tsiang's status and thereupon without introducing a motion, call for show of hands on question of Tsiang's right to occupy seat. We would be prepared to raise point of order prior to taking vote, citing SC rule 17. President would then probably overrule point of order and vote would be on challenge to his ruling. UK delegate has indicated informally they might wish to support President's ruling against challenge if question put in this form.

In light of foregoing, we urge Department request Embassies London, Paris, Oslo and Cairo to confer with foreign offices concerned, urging latter to send appropriate instructions to their delegates on voting in above situations or any permutation thereof.

GROSS

310.2/7-2950: Telegram

*The Secretary of State to the United States Representative at the United Nations (Austin)*¹

SECRET PRIORITY

WASHINGTON, July 29, 1950—1 p. m.

75. If Sov Rep as Pres shld attempt to make ruling that China improperly represented, opposition to ruling shld initially be on basis that SC itself must decide question and that Pres has no authority to

¹ Repeated to Oslo (71), Cairo (91), Paris (529), and London (538), "for action."

make ruling nor to apply rule 30 on this matter. Initial vote in SC shld be on authority of Pres to make ruling rather than on right of Natl Govt to represent China in SC. Preferable for state recognizing Communist regime to challenge President's authority. You may wish to consult with friendly dels in advance of Aug 1 mtg concerning course of action.

ACHESON

330/7-2950: Telegram

*The Secretary of State to the Embassy in France*¹

SECRET PRIORITY

WASHINGTON, July 29, 1950—8 p. m.

534. USUN has been negotiating with other SC Dels re situation which might arise in SC if returning Soviet rep, who sits as Pres at all SC meetings during month of Aug, seeks use his presidential prerogatives to unseat Chi Natl Rep and replace him with Chi Commie.

While it is impossible predict exactly how Sov Rep might bring up this issue, and exactly what course procedural debate might take, essential elements of problem will clearly be as follows. SC Pres may abuse his power to make procedural ruling to exclude Chi Natl Rep, in hope that challenge of his ruling will not receive necessary seven votes in SC to become effective. Thus his ruling wld stand and, by this procedural device, Chi representation question in SC wld be settled.

Opposition to Pres will undoubtedly take form of disputing his power to make ruling on a representation question. Basis opposition will undoubtedly be rule 17 SC rules procedure which states: "Any rep on the SC, to whose credentials objection has been made within the SC, shall continue to sit with the same rights as other reps until the SC has decided the matter". Reasoning wld probably be that SC Pres, like any other member SC, must raise objection to credentials in normal way and that this objection must be supported by seven SC members if it is to result in an SC decision.

Pls stress to FonOff fact that we wld consider it most unwise to debate Chi rep question at this crucial moment in UN operation against aggression. Moreover, we have always considered that Chi rep question shd be dealt with on its merits and not by procedural dodges and that proper constitutional majority shd decide for each UN organ. We have also stated that veto does not apply to this subject in SC. We consider it inadmissible that SC Pres shd precipitate decision by pro-

¹ Repeated "for action" to Cairo (93) and Oslo (72); repeated "for information" to London (542), Taipei (90), and USUN (79).

In telegram 540, July 30, 8 p. m., the Ambassador reported "I discussed this question with Parodi tonight. Instructions have been sent to Chauvel favorable to our attitude." (330/7-3050)

cedural trick. You may state that US will be prepared to challenge in SC any presidential ruling of this nature. In line with our feeling that this not the time for consideration this question, we hope that govt to which you are accredited will not at this time support any motion which if adopted wld have effect of changing Chi representation.

ACHESON

310.2/7-3150: Telegram

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

SECRET

WASHINGTON, July 31, 1950—8 p. m.

93. I. The basic position of US in consideration of question of Chi representation under agenda submitted by Malik is as follows:¹

(1) US position remains that of opposing seating of Chi Communist regime for reasons previously stated. US has not recognized this regime and only 14 of the 59 Members of UN have done so (not counting Byelorussia and Ukraine).

(2) US considers that question of Chi representation shld not be acted upon at this time and hence opposes inclusion of item on agenda of SC.

(3) It is view of US that those members of SC which have recognized Chi Communist regime shld take into account the attitude taken by that regime to the North Korean attack.

(4) Our position that this question should not be acted upon at this time shld be made known to other Delegations both inside and outside the SC, as shld also our hope that other delegations wld likewise oppose such action at this time.

(5) The departure from our previous position of not influencing other govts applies only to present situation and not to later consideration of question on its merits.

(6) The question of Chinese representation might be considered separately on its merits at a later time. This position shld be clearly and

¹It may be concluded from a memorandum written on July 31 by Assistant Secretary Hickerson to the Secretary of State, on the matter of the return of the Soviet Representative to the Security Council, that the generality of the Chinese representation policy set forth here was formulated in a meeting in Mr. Acheson's office on Friday, July 28. The following passage occurs in the Hickerson memorandum:

"It is anticipated that the Russian Representative is certain to bring up in some form the question of the seating of the Chinese Representative in the Security Council. In accordance with the agreement reached in your office, the Delegation in New York has been instructed to take a strong position that while the North Korean aggression is in progress, the question of Chinese representation should not be taken up in any form, that any action on this question should be taken separately and later on the merits of the question, and that we oppose vigorously any effort to precipitate action either on the procedure or on the merits. . . ." (330/7-3150)

President Truman gave his approval to this course of action in a meeting with Secretary Acheson on July 31, in which Mr. Acheson showed the President the Hickerson memorandum. (Acheson memorandum of July 31, Secretary's Memoranda, Lot 53 D 444)

vigorously stated in Council with emphasis on our position that it is entirely inappropriate to consider this question at present time in view of present status of Korean question.

II. In carrying out foregoing policy, every effort shld be made to prevent Soviet Rep from bringing about formal action on the Chi representation question at this time, and to prevent his achieving SC action to unseat Chi Nationalists or to seat the Chi Communist rep by some procedural device. If circumstances develop in which a vote becomes necessary, US shld vote in the negative on any proposal to unseat the Chi Nationalist Rep or to seat rep of the Chi Communist regime. In so voting US shld reiterate the position previously taken that it does not regard a negative vote of any permanent member as a veto since this type of decision can be taken by any seven votes. The Dept's previous instruction (Deptel 5, Jan 5) is modified to the extent that US shld not under existing circumstances ask for a revote and abstain if Pres rules US negative vote a veto.

III. Dept considers on basis of present info little prospect that seven votes can be obtained in support of proposal to unseat Chi delegate or seat Communist. Therefore, little likelihood problem will arise as to whether US negative vote is a veto. However, if question shld arise, you shld move for adjournment of discussion in order to permit delegates to consult. Discussion cld continue on remainder of agenda.

ACHESON

330/7-3150 : Telegram

*The Secretary of State to the Embassy in France*¹

SECRET PRIORITY

WASHINGTON, July 31, 1950—8 p. m.

554. Acting as Pres of SC, Sov Rep has placed on SC agenda for meeting afternoon Aug 1 as first substantive item, "Recognition of Rep of Commie China as rep of China".

Pls urge FonOff strongly to support us in opposing inclusion this item on agenda at this time. Ground for opposition is that urgent business pending before SC is action on complaint of aggression upon ROK, and no other item shld be given priority over continued consideration this subject.²

ACHESON

¹ Repeated to Oslo (76) and London (555).

² In telegram 574, August 1, the Embassy cabled: "Foreign Office has cabled Chauvel instructions substantially in accordance view expressed second paragraph [Deptel 554]." (330/8-150)

330/8-150 : Telegram

The Ambassador in Norway (Bay) to the Secretary of State

SECRET PRIORITY

OSLO, August 1, 1950—4 p. m.

120. Deptels 72 and 76, July 29 and 31. Foreign Office policy committee met this afternoon further discuss instructions to be given delegation SC. Delegation instructed thirty-first to support US challenge of any presidential ruling by procedural trick. Should representation question arise as substantive proposal Norway would probably abstain since extension recognition Peking Government regarded as commitment not actively to oppose membership SC.

Delegation will today be instructed to support US in opposing inclusion recognition of Communist representation on agenda and to seek priority for US proposal resolution condemning aggression on ROK which regarded as astute move.

BAY

310.2/8-150 : Telegram

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

CONFIDENTIAL PRIORITY WASHINGTON, August 1, 1950—5 p. m.

96. Confirming Wainhouse-Winslow telcon, statement on Chi representation for use by Amb Austin in SC has been redrafted in Dept as follows:

"US recognizes Chi Nat Govt as Govt of China and for that reason has opposed and continues to oppose seating of any other rep in seat reserved for China in this Council. I note that only 14 of 59 Members of UN have recognized Chi Commie regime, leaving out of consideration Byelorussia and Ukrainian SSR.

"As I have already said, my Del does not believe that question of Chi representation shld be considered at this time. It is particularly inappropriate to discuss this problem at a moment when Peiping regime has openly indicated its support of North Korean attackers who are pursuing their course in defiance of SC. This fact shld be of concern, as I am sure it is, even to those members of SC who have recognized that regime.

"US has never opposed consideration of any appropriate question in UN Organs at appropriate time. We made no protest when Sov Rep introduced question of Chi representation before this Council last Jan. We said then, and we say now, that we are prepared to abide by decision taken by constitutional majority, veto not applying. In current Korean crisis we cannot agree that it is either proper or wise for SC to consider question of Chi representation. However, I wish to assure the Council that at a later time US will again be prepared to go into this question on its merits."

ACHESON

310.2/8-150

Memorandum by the Assistant Secretary of State for Far Eastern Affairs (Rusk) to the Secretary of State

SECRET

[WASHINGTON,] August 1, 1950.

The attached copy of a message (Tab A) from Mr. Bevin to Sir Oliver Franks of July 29 on the subject of Chinese representation in the UN was handed to me by Counselor Graves at noon yesterday. It proposes a discussion between Sir Oliver and yourself, having particular reference to Mr. Bevin's message of July 14 (Tab B).¹

Mr. Bevin noted that the USSR in returning to the UNSC might put forward the question of Chinese representation for consideration on its merits. He considered that it would be "a very serious development" if the question were considered in the UNSC and resulted in the exclusion of the Central People's (Communist) Government's representative, and said that he would find great difficulty, if the question of Chinese representation were considered by the UNSC on its merits, in going back on what he declared publicly in the House of Commons on May 24 last.

I made a preliminary reply to Mr. Graves along the general lines of the conclusion previously reached in discussion with you, supplied him with a copy of the pertinent memorandum of that discussion (Tab C) and informed Mr. Graves that the matter would promptly be brought to your attention.

Recommendation:

It is recommended you read Mr. Bevin's message to Sir Oliver in its entirety, and the Department's telegram of July 31 (Tab D).² It is also recommended that you telephone Sir Oliver to confirm that the Department's position is as already stated by me to Mr. Graves but that you would be glad to undertake with him any additional discussion of the subject that he might desire.

Tab A

CHINESE REPRESENTATION

The general question of Russia's probable attitude when Mr. Malik assumes the Presidency on 1st August has been dealt with in telegrams addressed to United Kingdom Delegation. But there is one aspect of

¹ For the exchange of correspondence between Mr. Bevin and the Secretary of State, July 7-14, with regard to the situation in Korea, see volume VII.

² See telegram 93 to New York, July 31, p. 251.

this problem which is so important that you may think it desirable to discuss it with Mr. Acheson himself, the more so as it is intimately connected with the interchanges ending with my message of July 14th (copy handed to Mr. Perkins on July 15th).

2. In that message I said I hoped that we could find common ground on three points. The first was that North Korean troops must go back to the 38th parallel, the second that Russia must come back to the Security Council and the third that the question of Chinese representation in the United Nations should be considered in that body and not in relation to any possible Soviet blackmail connected with Korea.

3. What we now have to consider is what will happen if Russia this time, instead of trying to bludgeon others into acceptance of her view, behaves in a normal fashion and puts forward the question of Chinese representation for consideration on its merits. This would create a situation which has not so far been in our calculations. The fact that Russia has returned to the Security Council and that the return of the North Koreans to the 38th parallel is not likely to happen for some considerable time will make it very difficult to argue that the latter question must be settled before the question of Chinese representation is considered.

4. As Mr. Acheson knows not only from my reply to him but from the reply which was sent to Pandit Nehru, I have been and am still opposed to linking the question of Chinese representation with that of Korea. And I shall still be opposed if there is any attempt on the part of Russia to make the question of Chinese representation an indispensable prerequisite for the settlement of the Korean question. What I am concerned with now is what is to be done if the question of Chinese representation is raised in the Security Council purely on its merits. It is true that this would mean a considerable departure from the attitude hitherto adopted by the Russians, but they have been known before to change their tactics when this suits them.

5. I think it would be a very serious development if this question was considered in the Security Council and resulted in the exclusion of the Central People's Government's representative. For such a result would mean that Russia was able to demonstrate clearly to China that she was beyond the pale and could hope for nothing from the West. India would feel bound to adhere to the attitude which she has already taken on this question in the Security Council and we should be faced with the very grave danger of a cleavage between East and West which could only be to Russia's advantage and might bring very much nearer the possibility of an extension of the present conflict to China with adverse consequences for us all, and particularly for the United Kingdom, both in Hongkong and Malaya, and in her relationship with the Asian members of the Commonwealth.

6. Mr. Acheson is familiar with my views on Chinese representation. I am on record as saying in the House of Commons on 24th May that "We think it is better for the new China to be inside the United Nations" and that "We do not wish to ostracize anyone on political grounds". I should therefore find great difficulty, if the question of Chinese representation is considered in the Security Council on its merits, in going back on what has been declared publicly as the policy of His Majesty's Government.

7. It has been reported to me that the United States have recently reaffirmed their attitude on this question and have said that they would abide by the decision of the majority, and though they would vote against the exclusion of the Nationalist representative, they would not use their veto. I should like you to obtain precise and official definition of the United States attitude on this point.

Tab C

CHINESE SEATING

1. US position remains that of opposing the seating of the Chinese Communist regime, for reasons already furnished. We have not recognized this regime, and only 16 of 59 UN Members have done so.

2. Even those members of the Security Council which have recognized the Peiping regime should take into account the outrageous support given by the Peiping regime to aggression in Korea and its defiant and cynical disregard of the action of the SC to halt the aggression in Korea.

(Read Chou En-lai's statement)³

3. SC should not act on this matter at this time.

³ Chou En-lai was "Minister for Foreign Affairs of the People's Republic of China." This is probably a reference to General Chou's statement of June 28, 1950; for text, see Royal Institute of International Affairs, *Documents on International Affairs 1949-1950* (edited by Margaret Carlyle) (London: Oxford University Press, 1953), p. 633.

310/8-350

Memorandum of Conversation, by the Secretary of State

TOP SECRET

[WASHINGTON,] August 3, 1950.

MEETING WITH THE PRESIDENT

ITEM 6. U.S. POSITION IN THE U.N.

I reviewed with the President the difficult situation in which we found ourselves with our Allies and in the Security Council by reason of the Russian ability to play on the Korean situation, Formosa and

the Chinese Communists. I said that by keeping these matters connected they could mobilize certain nations in opposition to us, some on each issue.

I pointed out the great need for circumspection in regard to Formosa and the importance of not having the Communists seating issue arise for a vote on the merits. To seat the Chinese over our objection would whip up opinion here against our Allies. We could not meet the views of our Allies as long as the fighting in Korea continued.

I pointed out that the long-range consideration of not interfering with quarrels which were sure to arise between the Russians and the Chinese Communists was one which we shared with our Allies. The great difficulty was how to preserve our unity. It seemed to me that the best chance of this was by talking the matter out with the British and trying to have the whole thing referred to the General Assembly for discussion, first, on the general criteria to be employed in such cases, and later on for an application to this case. The discussion of the criteria would undoubtedly involve acceptance of the principles of the Charter and the decisions of the Security Council. Here we were in a strong position. The Chinese would be in a weak one. They might be tested out as to their intentions in supporting Communist revolutionary movements in Southeast Asian states. If the General Assembly could come to a decision one way or the other after full debate, it might furnish a method of preserving our unity with our Allies.

The President expressed approval of this general analysis of method and approach.

310.2/8-450

*The Secretary of State to the British Ambassador (Franks)*¹

SECRET

[WASHINGTON,] August 4, 1950.

MY DEAR MR. AMBASSADOR: I wish to reply briefly to the questions put to you by Mr. Bevin in his message to you of July 29, 1950 on the subject of Chinese representation. There is little to add to the preliminary reply already given by Mr. Rusk to Mr. Graves, but it might be useful for me to cover the matter somewhat more fully.

To deal first with the precise questions put in Mr. Bevin's last paragraph, it is true that the United States would abide by the decision of the majority on the question of Chinese representation. We should certainly not challenge the legality or the propriety of the action of the majority nor take any position inconsistent with our concept of the duties of Members of the United Nations in such circumstances. On the other hand, our attitude is not one of neutrality on the merits of the

¹ Handed on August 4 to the Counselor of the British Embassy (Graves) by the Deputy Assistant Secretary of State for Far Eastern Affairs (Merchant).

issue, nor are we trying to hide behind a majority of the United Nations on an issue upon which views are sharply divided. Under present circumstances we are opposed to the seating of the Peiping regime in the United Nations and will urge our views in every appropriate way. Events in Korea and the policy of Peiping toward Korea have strengthened our objections to their admission. We are most strenuously opposed, as is Mr. Bevin, to any arrangement for settling the Korean matter in exchange for seating Peiping in the United Nations.

On the matter of a veto, our view is that we do not have a veto on this question, not that we are simply not using a veto which we think we have. We do not argue that the matter is merely procedural in nature, but rather that the Security Council might find itself in an impossible situation unless the question is dealt with as if it were procedural. We recognize that there are many technical and procedural complications in this unprecedented situation and we are by no means sure that we have satisfactory answers. Because of these difficulties we are inclined to think that the main decision should preferably be made by the General Assembly where the veto does not arise. We are not pressing for this, however, and recognize that the members of the Security Council may wish to take the question up in that body at a suitable time.

We agree fully with the three points outlined in paragraph two of Mr. Bevin's message.

With regard to paragraphs three and four of Mr. Bevin's message, it is not easy to see how the question of Chinese representation can be raised "purely on its merits" while the Korean aggression is still on. This is not because the two subjects should be connected in any parliamentary sense, but because the attitude of some members on the "merits" will inevitably be affected by Peiping's encouragement and support of the Korean aggression. I believe this might be a point on which further talks between the Embassy and the Department might be mutually advantageous.

The heart of the problem arises in connection with Mr. Bevin's fifth paragraph. These are considerations which are of the greatest importance and which should be discussed between us in more detail at your earliest convenience. We should be glad to know more about your views as to just how the separation of Peiping and Moscow could be accomplished. We doubt that Peiping will respond to favors from the West under present circumstances and do not see just how extensive such favors would have to be, even if we should accept the tactic. I believe we should consider whether the foreign policy of either Peiping or Moscow would be affected by the seating of Peiping in the United Nations or whether such increment of prestige and influence would not be another stimulus to communist aggression in Asia. It may be that,

as Mr. Bevin fears, the present conflict will be extended by Chinese action. It is extremely doubtful, however, that the representation issue would be the cause for such an extension or that a concession to Peiping on that issue would reduce or eliminate their aggressive interest in neighboring parts of Asia.

If I happen to be away when you are ready to discuss these matters further, I am certain that Mr. Webb, Mr. Jessup or Mr. Rusk would be happy to see you at any time.

Sincerely yours,

[DEAN ACHESON]

310.2/8-1150

The British Embassy to the Department of State

SECRET

MESSAGE FROM MR. BEVIN TO SIR OLIVER FRANKS
DATED 11TH AUGUST¹

CHINESE REPRESENTATION IN THE UNITED NATIONS

I have made a careful study of Mr. Acheson's most helpful letter of August 4th and I should like you to put to him the following considerations:—

2. In the first place I should like Mr. Acheson to know what I mean by considering the question of Chinese representation on its merits. I would certainly agree that the present debate in the Security Council, in view of the way it has developed, would make it impossible to consider the question on its merits. Before the debate opened I had supposed it possible that the item on Chinese representation, if considered after the item on Korea, might have been discussed on its merits. What I am now thinking of is that this issue may be raised, possibly by India, on a separate occasion (which would probably not be until after Malik has left the Chair), and in its own context and not in the context of Korea. In that event I think we should be very unwise to drag in Korea if the Russians do not do so. Whether other members would be influenced by the consideration that China has on the whole taken the Russian line on the Korean question I do not know.

3. But what I mean by considering the case on its merits is that the Security Council (or the Assembly if it comes to that Body) could consider whether the Peking Government should or should not occupy the seat now occupied by the Nationalist representatives. If

¹ Copy handed on August 14 to the Assistant Secretary of State for Far Eastern Affairs (Rusk) by the Counselor of the British Embassy (Burrows).

that question is put to the vote in the circumstances I have described, I think Mr. Acheson should know that we shall feel obliged to vote for the Peking Government, even if our vote does not secure the necessary majority. In this connexion I should like Mr. Acheson to know that I maintain my view that the matter should preferably be considered in the Security Council, rather than the General Assembly.

4. I will try to explain why I feel that we should vote in this way. Our attitude towards this question has been governed from the outset by the fact that any question relating to China is essentially an Asian problem, on which Asian countries have strong views to which they are entitled. I have always regarded Asia as a whole and I believe that we must not regard our attitude towards one country in Asia in isolation without considering what the effect is going to be on the whole land mass. I cannot ignore the views of India, Pakistan and Ceylon on a question like China. Briefly, our attitude is that the Peking Government is without any shadow of doubt the Government of China and that the Nationalist Delegation in the United Nations represents nothing but a small remnant in Formosa, which in turn represents nothing but itself. It is, further, that Western nations have no right to refuse the admission of the Peking Government just because they do not like its politics or its ideology. It is arguable that we have no right to debar China from the deliberations of the United Nations of which it is a Charter member. It is also arguable that we extend to China even less favourable treatment than we do to Russia which is recognised by all to be at the very root of all the trouble in the United Nations. I think it is very hard to counter these arguments or to justify the continued exclusion of the representatives of the Peking Government from the United Nations. In these circumstances I feel we must vote for China. Our vote may not prevail. But I do not feel we can ignore Asian opinion on this Asian question.

5. Mr. Acheson may ask what advantage we would expect to derive from seating a Peking representative in the Security Council. To this I would answer that there will certainly be no immediate advantage. I think we must recognise that there will be concrete disadvantages, for even without dictation from Moscow (which I do not believe China will necessarily accept) we must expect that on most occasions China will vote the same way as the Soviet Union. But if Chinese behaviour in the United Nations is as bad as that of the Soviet Union, there will be the negative advantage that she will be exposed to Asia for what she is. I would consider that as of the greatest value in solidifying South and South East Asia against China if she proves to be as bad as all that.

6. That is however the worst case. Mr. Acheson will be aware that I have always held the view that it is a mistake to seal China off from

the West (in which I include India). Nothing has so far been said by Chinese leaders to indicate that they will refuse to accept China's international obligations and it is by no means certain that China will refuse entirely to accept the standards of conduct laid down by the civilised world. It is by no means the case that everything today in China is bad, and the attitude of the Chinese Government towards those Powers which have accorded recognition, if aloof, is not hostile. No major political move has so far been made by China to which serious exception could be taken and, though we must be on guard, I do not think we should seek to convict a man before he has committed a crime, since this can only create a sense of injustice which will lead us nowhere.

7. I do not suggest that we can wean China away from her association with the Soviet Union, nor do I think we should try to do so. For if there is friction with the Soviet Union it must develop within China itself. But we must ask ourselves whether Tito would have broken from Moscow if he had had no hope whatever of any friendly association with the West and if Yugoslavia had not been a member of the United Nations. If China continues to be excluded from the United Nations, and if the attitude of the West continues to be coldly hostile, must she not come to the conclusion, even when the moment arrives when she would like to move away from Moscow, that she has no other course but to maintain her association?

8. Mr. Acheson asks whether the admission of China to the United Nations would not be a stimulus to communist aggression in Asia. I do not think so but I do think that the continuance of a policy which as regards representation at the United Nations is even more hostile to China than it is to Russia, will so aggravate the situation in Asia that we shall seriously weaken our own capacity to influence Asian peoples and greatly increase the chances of open hostility. Militarily neither we nor the United States want to become involved in hostilities with China. I think we must be very careful not to create the situation which invites such hostilities. I am very concerned at the increasing tension between the United States and China, now accentuated by the Formosan situation. If this continues there may be an explosion and that I think we should both wish to avoid.

9. You will see from the above that I am not asking that the United States should do anything. I am saying that we shall have to vote for China when the time comes though we ourselves will not force the issue and will have to determine the appropriate moment. I appreciate that this decision will not be popular in the United States and that it may cause some outcry when the time comes. But for the reasons I have stated we shall have to follow this course, even if it does not secure the admission of China to the United Nations. If the matter

is brought up in the Assembly I do not know how the voting will go but if the result should show a substantial cleavage between East and West I think the consequences will be very serious indeed. Those consequences will at any rate be minimised to the extent that our vote would be cast for China.

10. While I very well understand the feelings of the United States about the seating of the Peking regime, I have confidence that it is one of the great virtues of our democracies, that difficult subjects may be calmly discussed between them.

310.393/8-1450

Memorandum of Conversation, by the Director of the Office of Chinese Affairs (Clubb)

SECRET

[WASHINGTON,] August 14, 1950.

Participants: Mr. B. A. B. Burrows, Counselor, British Embassy
Mr. Rusk, FE
Mr. Clubb, CA

Mr. Burrows called by appointment. Mr. Rusk introduced the conversation by asking Mr. Burrows the significance of the last sentence of paragraph 3 of Mr. Bevin's message of August 11 to Sir Oliver Franks. Mr. Burrows gave the interpretation that the matter of Chinese representation in the UN should preferably be considered in the Security Council rather than the General Assembly because, in the opinion of the British Government, it would thus be less likely that there would be created an overt East-West division. Mr. Rusk then computed the "East" group as comprising in the hypothetical circumstances India, Burma and Thailand.

Mr. Rusk said that there are various points where the American and English viewpoints were at variance. We could not agree, for instance, without question, to the assumption that China is essentially an Asian problem. Great Britain and the U.S. have had in the past many more relations with China than has had India. It is easier and quicker to proceed from Seattle to Shanghai, for instance, than from Calcutta to Shanghai. Color, moreover, is not necessarily a factor in determining relative interests. Mr. Burrows admitted that this was possibly true in practical respects, but said that the matter was in good part one of sentiment.

Mr. Rusk again admitted that it was true that the Nationalists could not be considered to be the Government of all China but he was moreover not sure that Peking on its part was quite warranted in claiming the support of all China. For instance, it was dubious whether Peking could claim full authority over Manchuria, Sinkiang and Inner Mon-

golia: maybe Moscow had more to say in those areas than had the Chinese Communists. It was also questionable whether the Chinese Communists exercised full authority over certain parts of China proper, not to mention Tibet and Formosa.

Mr. Burrows pictured the attitude of the British Government as being that China should be represented in the UN and that the Peking regime was that best titled to constitute the representation. With respect to their behavior they should not be prejudged as guilty. Mr. Clubb asked at this point whether it would be proper to ask Peking to define its position with respect to international obligations generally, having in mind the relevant provisions of the Common Program* and with particular reference to the UN and its charter and to the UN decisions respecting Korea. Mr. Burrows replied that a new Government in the UN would naturally be called upon to give adherence to the statutes of the UN. Mr. Rusk commented that the present was not a case of new admission but one of change of personnel and Mr. Burrows on second thought agreed with him.

Mr. Burrows said that the British Government, of course, was not asking for action but was setting forth its position. Mr. Rusk observed that this position was equivalent to asserting that the UK would support the admission of the Chinese Communists into the UN regardless of whether they were guilty of crime at the time of their application. Mr. Burrows said that this was essentially correct, it being felt that the best chance for causing the Chinese Communists to shift away from the USSR was to give it certain opportunities. Mr. Rusk replied that it was doubtful whether the Chinese Communists should be paid all prices asked when they are still to be found on the side of the USSR. In the present circumstances, particularly, American public opinion would tend to be very critical of any British move along those lines. Mr. Burrows said that this was appreciated. Mr. Rusk went on to say that we of course appreciated that the British had their own problems of public opinion and realized that if the U.S. were to ask Britain to prefer Delhi to Washington, Britain might in turn ask whether we preferred Taipei to London. It was hoped, however, that there was not going to be caused a split down the Atlantic as well as one through the Pacific, but it was believed that British action along those lines would make it rougher going for a North Atlantic military program.

Mr. Clubb asked whether there might not be introduced a change into the situation if the Chinese Communists attacked Tibet, having particular reference to the present attitude of India. Mr. Rusk added direct Chinese Communist intervention in Korea as being a factor

*Common Program of People's Political Consultative Conference of September 1949. [Footnote in the source text.]

possibly also making for change. Mr. Burrows asked whether such intervention was thought likely. Mr. Clubb replied that it seemed at any rate a possibility which merited due consideration. Mr. Burrows commented that we were after all dealing with realities, whereas the suggestions were only hypothetical. Perhaps in such case, however, India might change its attitude. Mr. Rusk carried the discussion on to Formosa and pointed out that perhaps the US was not so isolated in this regard as might seem on the surface. The present situation there seemed somewhat stabilized, and General MacArthur¹ does not expect an attack. It would be too bad if there were to develop a split between British and American policy at a time when the situation had thus become relatively stable. The situation in Indochina was commented upon with reference to the possible effects there of events in Korea. Mr. Clubb cited the Suslov report that the USSR would not let the North Koreans fail in Korea. Mr. Rusk noted that the report in question was unclear.

Mr. Rusk said that he would take the matter of Chinese representation in the United Nations up with the Secretary, who was returning the following night but probably would not see the message until the morning after. Mr. Burrows said that the British Ambassador was presently out of town but would return for discussions with the Secretary if it seemed desirable.

¹ Gen. Douglas A. MacArthur, Supreme Allied Commander, Japan, and Commander-in-Chief, United Nations Command.

IO Files¹: SD/A/223

*Position Paper Prepared in the Department of State*²

CONFIDENTIAL

[WASHINGTON,] August 10, 1950.

APPOINTMENT OF THE CREDENTIALS COMMITTEE

THE PROBLEM

The problem is to determine the position of the United States Delegation with respect to the composition of the Credentials Committee. This Committee is composed of nine members and is appointed by the

¹ Short title for the Master Files of the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

² This paper is placed here for the convenience of the reader. It was prepared in the Bureau of United Nations Affairs for the U.S. Delegation to the Fifth Regular Session of the General Assembly. (The General Assembly was scheduled to convene at Lake Success, New York, on September 19.) Such papers were in

General Assembly on the proposal of the Temporary President (General Romulo—Philippines).³

RECOMMENDATION

The United States Delegation should accept any slate proposed by the Temporary President provided that (a) the geographic distribution of countries approximates that of the last regular session, and (b) the slate generally reflects Assembly sentiment on recognition of the Chinese Communist Regime. (As of August 10, 16 of the 59 Members had recognized the Regime, including Byelorussia and the Ukraine.) In any case, the Committee should include not more than four states which have recognized the Chinese Communist Regime.

COMMENT

Rule 28 of the Assembly's rules of procedure provides that "A Credentials Committee shall be appointed at the beginning of each session. It shall consist of nine members, who shall be appointed by the General Assembly on the proposal of the President. . . ." The appointment of the Credentials Committee is normally the second item on the Assembly's agenda; it is preceded by the formal opening of the session and a statement by the Temporary President (the Chairman of the delegation from which the President of the previous session was elected, i.e., General Romulo (Philippines)).

The Credentials Committee of the fourth session was composed of the following states: Belgium, Brazil, Byelorussian S.S.R., Cuba, Iran, Union of South Africa, USSR, United States and Uruguay.

The Temporary President, in proposing the Credentials Committee slate, acts on the recommendation of the Secretariat, and the Secretariat checks the slate in advance with major delegations, including the United States Delegation. In the past the Secretariat has always been amenable to changes suggested in the slate by the United States Delegation. This year, in view of the Chinese representation question, the Delegation should make every effort to ensure that the slate is drawn up by the Secretariat and proposed by General Romulo in accordance with the above recommendation. In the unlikely event that

the nature of an "instruction" to the Delegation and generally were the result of deliberations in the Department's United Nations Liaison Committee (UNLC), a body made up of representatives of the Bureau of United Nations Affairs, of the geographic offices, and of such other offices as appropriate. For matters concerning the composition and organization of the U.S. Delegation, see pp. 24 ff.

³ Brig. Gen. Carlos P. Romulo, Permanent Representative of the Philippines at the United Nations; he was President of the Fourth Regular Session of the General Assembly, September–December 1949.

such a slate is not proposed, the Delegation should move appropriate changes in the plenary session.

IO Files : US/A/2403

Memorandum of Telephone Conversation, by the Deputy United States Representative in the Security Council (Ross)

CONFIDENTIAL

[NEW YORK,] August 24, 1950.

Subjects: Secretary-Generalship; Organization of Credentials Committee

Participants: Mr. Durward V. Sandifer, Deputy Assistant Secretary of State for UN Affairs
Mr. John C. Ross, United States Mission

[Here Mr. Sandifer describes a visit to Washington by Andrew W. Cordier of the United Nations Secretariat on August 22, during which Mr. Cordier conferred with Assistant Secretary Hickerson.]

Hickerson and Cordier also discussed the question of organizing the Credentials Committee. This Committee has nine members and it was thought that six might be governments which had not recognized the Communist regime in China while three might be governments which had recognized that regime. A ratio of seven to two would be better from our point of view since three places for governments which had recognized the Communist regime would be more than the actual numerical ratio. Hickerson indicated to Cordier that a ratio of six to three might be all right. Cordier had apparently raised the question of naming India, Norway and Yugoslavia to the Credentials Committee. The question was also discussed of whether the United States should be a member of the Credentials Committee. Mr. Sandifer expressed to me the personal view that the United States ought to be. Mr. Hickerson apparently indicated to Mr. Cordier that if a satellite were named to the Credentials Committee this would be the same as having the U.S.S.R. on it and we would therefore have to be on it.

There was some discussion of the parliamentary situation at the opening of the General Assembly and the question was raised whether, if Vyshinsky raises a point of order at the very beginning, Romulo should rule that the matter should be taken up under the third item of the agenda which is selection of the Credentials Committee.

Mr. Sandifer and I agreed that we would follow up these matters with Mr. Cordier in discussions we will doubtless be having with him.

320/8-2650 : Telegram

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

PRIORITY

NEW YORK, August 26, 1950—4:20 p. m.

373. UN released today cablegram dated 26 August received by UN SYG from Chou En-lai, Foreign Minister of the Central People's Government of the People's Republic of China, submitting names of delegates to 5th GA. Text follows:

"The Central People's Government of the People's Republic of China is the sole legal government representing the Chinese people. The so-called 'delegates' of the Chinese Kuomintang reactionary remnant clique have no qualification whatsoever for participating in any of the meetings and organs of the UN, and must therefore be driven out from all the meetings and organs of the UN.

"Accordingly, on November 15, 1949, I sent on behalf of the Central People's Government of the People's Republic of China a note to you and to Mr. Carlos P. Romulo, president of the 4th session of the UN GA, declaring that the self-styled 'delegation of the Republic of China', that is the so-called 'delegation of the Chinese National Government' headed by Tsiang Ting-fu, had absolutely no right to represent China.

"On January 8, 19, February 2, and May 30, 1950, I have repeatedly sent further notes to you and to Mr. Romulo, demanding that the UN immediately expel the illegitimate delegates of the Chinese Kuomintang reactionary remnant clique from the UN and its SC, ECOSOC, and TC, and notifying that the Central People's Government of the People's Republic of China has appointed Chang Wen-tien chief representative of the People's Republic of China to attend the meetings of the UN, including those of the SC, Chi Chao-ting representative on the ECOSOC, and Meng Yung-chien, representative on the TC.

"Yet until this day the illegitimate delegates of the Chinese Kuomintang reactionary remnant clique are still tolerated by the UN in its various organs, but not expelled therefrom immediately. I consider this not only a violation of the UN Charter but also a disregard of the rightful claim of the 475,000,000 of the People's Republic of China.

"Now that the 5th session of the UN GA is due to meet in September 19, I hereby inform you formally on behalf of the Central People's Government of the People's Republic of China, that the Central People's Government of the People's Republic of China has appointed Chang Wen-tien the Chairman of the delegation, and Li Yi-mang, Chou Shih-ti, Chi Chao-ting and Meng Yung-chien the representatives of the People's Republic of China to attend the 5th session of the UNGA.

"Please communicate the same to the parties concerned and make the arrangements necessary for the delegation of the People's Republic of China to attend the 5th session of the UNGA.

"Please reply promptly by cable."

AUSTIN

320/9-650: Telegram

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

SECRET

NEW YORK, September 6, 1950—9 p. m.

465. On Lie's invitation, Gross and Ross had dinner with Lie and Cordier Tuesday night¹ for preliminary exchange views forthcoming GA.

[Here follows discussion of the Korean situation.]

Chinese Representation:

Cordier said Entezam² in brief conversation seemed to favor having this matter dealt with in plenary at outset of session without reference to Credentials Committee. Lie expressed agreement with this view saying that if matter were to be referred to any committee it should be First Committee and not Credentials Committee. We indicated importance we attached to proper composition Credentials Committee which might have to deal with question. Said we felt ratio of 7 members which had not recognized Communists to 2 which had, would be proper but that we might possibly agree to 6-3 ratio. Said our present inclination was that US should be member.

In order make certain Lie fully understood our position we indicated our strong opposition to unseating Nationalist representative or seating Communist representative while Korean crises continued, that is, before compliance with SC resolutions. We said we held this position very strongly and intended to work for it.

Lie seemed quite distressed, saying in effect that if we insisted on this position result would probably be to break up unity of 53 nations supporting UN action against Korean aggression. He thought Communists probably would not be seated but that our insistence would give Russians phony excuse to support another walk-out. He said he felt we should seek some parliamentary method which would avoid necessity of deciding matter definitely. He said he thought some method should be worked out which would continue Tsiang, post-

¹ September 5.

² Nasrollah Entezam, Permanent Representative of Iran at the United Nations, and one of two leading candidates for election to the presidency of the General Assembly.

poning until possible second part of Assembly next spring decision on seating Communists.³

[Here follows discussion of other items.]

³ Representatives of the United States were actively engaged at this time in diplomatic discussions on the issue of Chinese representation with officials of other governments, either in New York or in foreign capitals concerned. On this same day in New York tripartite conversations were being held between U.S., British, and French officials (at the Hickerson-Jebb-Chauvel level) on General Assembly matters in general. Also in New York at this time Assistant Secretary Hickerson called on Brigadier General Romulo to convey the U.S. view on the Chinese matter, and Mr. Ross conferred with Mr. Nasrollah Entezam. U.S. officials met also with representatives of Norway, Belgium, and India, either in New York or at the appropriate foreign office. Documentation on these conversations is found in Department of State central indexed files, file 320.

IO Files: US/A/M (Chr)/134

Minutes of Briefing Session of the United States Delegation to the General Assembly, Washington, Department of State, September 7, 1950, 3:00 p. m.

SECRET

[Here follows list of representatives and alternate representatives present (8).]

1. *Chinese Representation*

Under the Chairmanship of Ambassador Austin, the Delegation continued its briefing meeting in the afternoon.¹ The first subject considered was that of Chinese Representation. Mr. Popper explained that Chinese representation had been one problem before June 25 and was a different problem at this time. Our position previously had been that we recognized the Chinese Nationalist Government as the Government of China and would vote for its continued seating, but at the same time we had made it clear that we would accept the decision taken by any United Nations body in this regard and would not attempt to influence other Members in behalf of our own position. With monotonous regularity since January 13, on which date the Soviets had walked out of the Security Council, the question had come up, in various bodies as a Soviet demand to exclude the Chinese Nationalist representatives, and except in one obscure case, the Soviets had been voted down. Mr. Popper observed that only sixteen UN members could be said to have recognized the Chinese Communist Government.

After Korea, Mr. Popper explained that the emphasis of the American position had shifted. Taking account of domestic and other

¹ The first briefing meeting, held on the morning of September 7, was chaired by the Secretary of State.

factors, we had taken the line we did not wish to have the Security Council diverted from its fundamental task of stopping aggression. We had indicated that, when the Korean crisis was settled, we would be willing to consider the Chinese representation issue on its merits.

As the General Assembly approached, this was the situation: at the very outset the Soviet Delegation might seek to propose exclusion of the Chinese Nationalists. It was the position of the Department that any such proposal, which would have the effect of changing the representation of Nationalist China and seating the Communists should be opposed by the United States. We felt that at this juncture, we should use our influence to prevent such a step, but we believed that the question should be considered on its merits after the Korean conflict was brought to its conclusion. Moreover, we considered that when this matter came up in the Assembly, it should be dealt with as soon as it was raised in order to prevent its use as propaganda. At the most, we would accept the seating of the Chinese Nationalists on a provisional basis, subject to the conclusion of a proposed General Assembly study on credentials and recognition, submitted for the Assembly's agenda by Cuba. Mr. Popper thought it possible that neither faction would be seated. It was difficult to see, however, how such a step would settle the problem, and it would raise particular difficulties with regard to continued Chinese Nationalist participation in the Security Council. Finally, Mr. Popper explained that the Department did not think this question required action by two-thirds majority, but rather by simple majority.

Ambassador Austin elaborated upon the change in our position. In the beginning we had said we would not support either removal of the Nationalists or seating of the Communists, and, while we would vote against seating the Communists, we would not permit this vote to be regarded as a veto. If the rest of the world saw fit to vote for the seating of the Chinese Communists, as a loyal member of the United Nations, we would accede to their wishes. Now we are ready to fight for the continued seating of the Nationalists. Senator Lodge inquired as to the basis of the change in substance of our position.

Ambassador Austin explained that, as a matter of principle, we did not believe that a country actively fighting the United Nations should be admitted. Yesterday, for example, in the Security Council, Dr. Tsiang, the Chinese Representative, had named divisions of the Communist Chinese armies which were now fighting divisions with different numbers and names under the North Korean army. These soldiers were nationals of North Korea, but there were two divisions with such Korean personnel which had previously been part of the Chinese Communist armies. In other words, the Chinese Communists were

actively supporting Soviet aims in Korea. In his opinion, that was reason enough to oppose seating the Chinese Communists in the Security Council at this time.

Mrs. Roosevelt saw his point that, under these circumstances, there was no reason for voting to seat the Chinese Communists. At the same time the difficult thing to explain was why we were voting to retain the Chinese Nationalist representatives. She thought the public would appreciate why we did not want a Communist-controlled representative to be seated, but on the other hand it was impossible to mention that China was represented by the Nationalists, knowing what the Nationalists were and had been doing. Mrs. Roosevelt asked how we could put our position across to the public. After all, the Nationalists simply did not represent China. We could explain why we did not seat the other regime (she assumed that it was because we wanted the Nationalist vote in the Security Council that we wished to maintain the Nationalist representative there), perhaps the public should be told that fact frankly.

Ambassador Austin believed that there were arguments on both sides, and on balance it seemed to him that we were justified in taking the course in the United Nations which was recommended. Considering the effect of any other position on the Security Council, he recalled that often we were able to get only seven votes in the Security Council. Dr. Tsiang was very helpful by his vote and by his speeches in the Council. He had made a record on principle. If he were removed, our position would be difficult. Obviously, he could not be removed.

Mr. Dulles remarked that when the question of whether a certain government represented a country was raised, a rather illusive subject was being considered. What was meant by "represent" in such a case? If it was meant whether a certain group represented real aspirations for the welfare of the Chinese people, he would suppose that some of the Nationalist Chinese whom the Delegation knew could be relied upon to seek the real interests of the Chinese people just as much as other Chinese, who after training in Moscow, have now seized control of China. He recalled that during World War II there were various governments in exile which the United States continued to recognize because we felt that they were more truly representative of the hopes of their people. He would not indefinitely approve that kind of practice; for example, in 1921 and after we had made a mistake in continuing our recognition of the Russian Government in exile long after it had any chance of returning to power. In his view there was a limit to the time in which a government in exile could properly be recognized, but the Chinese situation was not yet fully crystallized in this regard. The Nationalists could not be completely written off. The present choice was better than no Chinese representation at all.

Mr. Cohen began by stating that he knew he was in a minority. He realized the United States must follow a consistent line of policy, but he wished to give the Delegation his reasons for doubting the wisdom of our present policy in regard to Chinese representation. While he did not like the Red Chinese any more than anyone else, and neither did he like Franco or Peron, experience had shown that failure to recognize a government was not the controlling factor in its success unless there was reason to believe such a government could be supplanted quickly; such a policy often did more harm than good. When there was a war, it was expected that the situation would be changed, but to continue such a policy in the long run was unpalatable since the loss was likely to be more than the possible gain.

He could appreciate the position recommended in view of the recent accession to power of Red China and our natural resentment at the aid which it was giving North Korea. At the same time he believed the Delegation felt that the Soviets were equally culprits in the Korean situation. We did not like the Yugoslav action in Greece, but we did not question their right to representation in the United Nations. If we opposed the Chinese Communists because of their recent accession to power, that was one thing, but in his view, no matter how much we liked the Chinese Nationalist representatives in the United Nations, it should be remembered that that group no longer had effective control of any part of its country. Indeed, since the recent statements on Formosa, the Nationalists, in his opinion, had lost the very little stake in China to which we might have held. Obviously, the Security Council would be pleasanter with the Nationalists represented. However, we should remember that the Soviets would probably veto our resolutions any way, so that Chinese representation really made no difference. Mr. Cohen did not believe that seating the Chinese Communists would prejudice the vital interests of the United States if we took the position we were not prepared to recognize them but that we realized that the Nationalist Government no longer had effective control of China. He felt on the whole this position was morally sounder—our needed votes in the Security Council should be bought by hard work. He believed the difficulty of allowing the Chinese seat to become vacant until the situation became clarified had been grossly exaggerated. The inconvenience of such a vacancy was, in his view, much less than that of continued Nationalist representation. Even the United States could not say that the Nationalists constituted the Government of China today. Our aims in Asia should be put on stronger ground.

Mr. Rusk respected Mr. Cohen's viewpoint, which he had shared before the Korean crisis. However, one factor of great importance

should be taken into account—we might be in a position in the Far East today more closely analogous to war than to peace. In his view, it was important to find some way to put Peiping on notice that its conduct would be observed by the international community. The Peiping regime was heavily involved in Korea and in Indochina, where it was training divisions to help Ho Chi Minh. There were difficulties caused in the Philippines through support given to the Huks' operations through the Chinese community guided by Peiping. There was also subversive Chinese influence in Malaya. Moreover, it was possible that the Chinese Communist regime was presiding over the partition of China contrary to our traditional objective of preserving the territorial integrity of China. We knew, besides, that we were not as isolated in our position as some would have us believe. The whole world was divided on this issue. There was no solid grouping of opinion on what China was and how it should be treated. Moreover, if the United Kingdom and India should change their positions, and that might possibly occur almost overnight dependent upon territorial-political developments, the balance would shift completely to our position. Mr. Rusk believed it possible that the British attitude might change, subject to developments in Hongkong. There the conduct of the Peiping regime would be the decisive factor. The present situation might simply be a prelude to an attack on peaceful members of the international community.

Mr. Cohen considered that we would achieve the greater part of this position by permitting the Chinese seat to become vacant. That was another thing from recognizing the Chinese Nationalists as the government of China. He would concede that Mr. Rusk's arguments were cogent, but it still seemed to him that the United States would be on sounder ground by recognizing the doubt respecting the Chinese Communist regime and letting the seat remain vacant. Mr. Hickerson pointed out that the Chinese Communists' battle would be half won if the seat were allowed to become vacant.

Mr. Hickerson pointed out that only sixteen of the fifty-nine members of the United Nations had actually recognized the Peiping regime. Thus, over two-thirds of the Members still recognized the Nationalists as the government of China; for him that was enough reason to continue to deal with the Nationalists.

Mr. Rusk believed another factor was relevant. We could not say as a matter of intelligence what the decision of the Kremlin was as to the role of China in the world situation. It was true that the Nationalist government on Formosa was in disrepute. But there were other things on Formosa. Among them were 400,000–500,000 troops. There was also Chinese, with different views than the Nationalists,

who could be important to us. It seemed to him that we should preserve that potential strength on Formosa in the event that we should get into a general conflict in which case these troops would be needed.

Ambassador Austin considered that any other position than that recommended would damage our position in Korea. We had to maintain our strength; we could not make halfway concessions.

Mrs. Roosevelt agreed that any concessions at the present time would be undesirable. However, on the other hand, the fact had to be faced that in Asia there were people who felt that the United States had backed reactionary forces, and she could not agree that we should continue to be for Nationalist China simply because we liked Tsiang. She agreed that we could not make concessions to the USSR, but our position would be weak if we did something in which we did not believe. She was terribly afraid that she would have to agree that backing the Nationalists, regardless of how good they were individually, was continuing to back Chiang who was discredited. Neither would she back the Communist regime. She simply could not happily accept our keeping the Nationalist regime in a position of power. She had not realized that the status of Formosa was subject to any question, and believed that situation further justified a change in our position. She asked about the changed Formosan situation.

Mr. Rusk replied that on June 25 and 27 when the President did not know whether the Korean action would lead to a general war, an effort had been made to neutralize Formosa from a political point of view, putting off the political question of its status for later decision. In that case, Mrs. Roosevelt thought that our position of fighting to continue the Nationalists in the United Nations was weaker. Perhaps we should indicate that our position was temporary.

Mr. Hickerson thought there was not a great difference in the Delegation; it was a question of timing. The Department did not think the issue should be raised at this time with the present Korean situation. After that, all favored full consideration of the problem on the merits.

Senator Cooper indicated that he shared some of the doubts expressed by Mrs. Roosevelt and Mr. Cohen. He saw the great difficulty of maintaining the Nationalists since they opposed the right of the United Nations to determine who represents China. As regards the Peiping regime, the very facts that no one could get into China to see what was going on so that it was impossible to judge what the situation was and whether the Communist regime represents the real sentiment of the people, were disturbing to him.

Further discussion of the matter was deferred until the Delegation meetings in New York.

[Here follows discussion of other subjects.]

IO Files : SD/A/234

Position Paper Prepared in the Department of State

CONFIDENTIAL

[WASHINGTON,] September 11, 1950.

PROCEDURAL QUESTIONS WHICH MAY ARISE IN GENERAL ASSEMBLY
CONSIDERATION OF THE CHINESE REPRESENTATION ISSUE

THE PROBLEM

On the assumption that the Soviet bloc delegates are present at the opening of the Fifth Session of the General Assembly, the Chinese representation issue is likely to be precipitated at the very outset of the meeting. Following the Soviet practice in other United Nations organs, the Representative of the Soviet Union may rise on a point of order and propose a resolution calling for the exclusion of the Chinese National Government representatives and the seating of the Chinese Communists or may take some other action with the same end in view. The Peiping regime has already telegraphed a list of delegates to the Secretary-General, urging him to arrange for their reception, and he has stated that he will do so if the General Assembly accepts the Chinese Communist delegation as the representatives of the Republic of China.

Complex procedural problems may be raised in the course of the discussion on the Chinese representation issue. While it is impossible to predict their precise form, it is desirable to clarify in advance the position of the United States on the principal points which may be anticipated. This paper proposes a course of action on the following questions:

(a) Whether the matter of Chinese representation should be referred to the Credentials Committee or to a Main Committee before action is taken by the Plenary Session, or whether it should be considered immediately in the Plenary Session;

(b) Whether the General Assembly can make a decision on the matter by a simple majority, or whether a two-thirds majority should be required;

(c) Whether the vote on Chinese credentials should be taken in the Assembly by secret ballot;

(d) Whether a hearing should be granted to the Chinese Communist delegation prior to a decision on the representation question;

(e) Whether the delegation of the Chinese National Government should be permitted to vote on matters involving its own credentials; and

(f) Whether the General Assembly can make a decision that neither of the two Chinese delegations shall be seated.

RECOMMENDATION

It is recommended that the United States Delegation take the following position:

(a) Before the Session is convened, the Delegation should consult with the Temporary President of the General Assembly (General Romulo) and with friendly delegations with a view to obtaining agreement that the expected Soviet motion, if made, should be the first order of business of the General Assembly and should immediately be debated and acted upon by the Plenary Session. (A decision on this point will necessarily be subject to last-minute changes if tactical considerations make this advisable.)

(b) Any decision on the question of seating the Chinese Nationalists or the Chinese Communists should be made by a simple majority.

(c) The decision should not be taken by secret ballot.

(d) If the Chinese Nationalist Delegation is the only delegation present which claims to represent the Government of China, it should be seated in the General Assembly, and if any objection to this procedure is raised and pressed, the seating should be held to be provisional in accordance with the terms of Rule 29 of the Assembly's Rules of Procedure.

(e) If the Chinese Communists demand that they be heard on this issue, the Delegation should oppose such a hearing. It should oppose a hearing in the plenary on the ground that the facts are already sufficiently clear and that no useful purpose would be served by departing from the normal Assembly practice of hearing only accredited representatives of member states in the plenary session of the General Assembly. The Delegation should also oppose any arrangement for a hearing in the Credentials Committee or any other Assembly committee on this issue, on the ground that no additional information is needed to enable the Assembly to act.

(f) If the Chinese Nationalist Delegation has been permitted to sit in the seats reserved for China during the debate on the representation issue, that delegation should be permitted to vote on motions involving its own credentials.

(g) Although the rules of procedure do not cover this point, it would appear to be within the General Assembly's competence to decide that for a certain period no delegation should be seated for China.

COMMENT

1. *Methods of Procedure*

The normal procedure at the opening of a General Assembly session is as follows:

First, the Temporary President makes a formal opening statement, and, on occasion, other notables make formal speeches of welcome;

Second, there is a minute of silent prayer or meditation;

Third, the Temporary President submits to the Assembly a slate for the Credentials Committee of nine members, which has always

been approved by the Assembly in a perfunctory manner; its initial report is normally received in a day or two;

Fourth, the General Assembly proceeds to the election of its President and of the Committee officers and Vice Presidents who make up the General Committee;

Fifth, the agenda is adopted; and

Sixth, the general debate begins.

If the Soviet bloc representatives are present, they are likely to demand with great insistence the exclusion of the Chinese Nationalist delegation and the seating of Chinese communists on a point of order, as soon as the Session is opened. The President may entertain the motion, or he might possibly prefer to raise the issue himself at the outset of the session in order to forestall a Soviet propaganda statement and to present the question in a fairer light.

The President might propose that, following the normal course of Assembly procedure, the Soviet motion should be referred to the Assembly Credentials Committee or to one of the main committees of the General Assembly (the Political Committee or the Legal Committee) before action is taken in plenary. Alternatively, he might suggest that the matter be discussed and settled immediately in the Plenary Session. The latter course seems preferable for the following reasons:

a. The matter of Chinese representation is a clearcut issue, and it is difficult to see what would be gained by its reference to one or more committees;

b. Opportunities for propaganda speeches by the Soviet bloc will be minimized if a decision is reached at once. If the matter were referred to a committee there would be three stages of debate—first, in the plenary when the Soviet motion is made; second, in the committee to which the matter is referred; and third, in the plenary when the committee's report is considered; and

c. The work of the Assembly will be hampered if the matter is not decided before officers of the Assembly are elected and the substantive work of the session begins. Delegations should know whether the Eastern European representatives will be present at the Session and which delegation will represent China before they are asked to select Assembly officers (the USSR and China have invariably been elected to vice presidencies in the General Assembly, and Eastern European representatives have always been included on the General Committee).

2. Size of Majority Required for Decision

The question whether the decision on the Soviet motion or any other motion dealing with the Chinese representation issue can be taken by a simple majority vote or should require a two-thirds majority will undoubtedly arise. Normally, there would be no doubt that a question relating to credentials requires only a simple majority for settlement.

However, it may be contended that the decision as to which government represents China is not a simple question of credentials, and that although not specifically listed in Article 18 of the Charter it is in fact an "important" question which should require a two-thirds majority for solution. (A decision on the size of the majority required would be taken by a simple majority vote.)

The position of the United States should be that a simple majority suffices for this decision. The reason for this is not that the matter is not important, but that it is necessary to facilitate decisions on questions which are essentially organizational in nature and that it would be undesirable to permit a minority group which might consist of one-third of the members of the Assembly plus one to obstruct the proper functioning of the Assembly. This position is analogous to our insistence in the Security Council that no permanent member should be allowed to use the veto in the Council's decision on the same question, since it relates to the organization of the Council. Unlike the situation in the Security Council, the Assembly may be confronted not with an attempt to exclude a delegate already seated, but with the need for a decision between two claimants who, as a matter of procedure, stand on an equal footing until a decision is made. As indicated above, it would be unfortunate if because of a failure to receive a two-thirds majority, neither claimant could be seated.

An additional consideration which bears on this problem is the fact that the United States has always attempted to hold to a minimum the categories of questions which require a two-thirds majority for decision in the General Assembly. The maintenance of this policy is obviously in the best interests of the Organization and the development of the General Assembly as an effective instrument to carry out the purposes of the Charter.

3. *Use of Secret Ballot*

Rule 87 of the Assembly's rules of procedure provides, with respect to methods of voting, that "The General Assembly shall normally vote by show of hands or by standing, but any representative may request a roll-call". The use of the secret ballot is mentioned only in Rule 92, which deals with elections; this rule provides that "All elections shall be held by secret ballot". Although the Assembly is master of its own procedure and could, by majority vote, decide to use the secret ballot in connection with questions other than elections, the clear intent of the rules is that voting on all questions other than elections should be held in accordance with Rule 87, i.e., by show-of-hands, standing or roll-call vote. The United States should take the position that it would be most undesirable from the organizational point of view to

extend the use of the secret ballot, and that there is no reason why any state should not be willing to stand up and be counted on this issue.

4. *Seating of Rival Chinese Claimants*

If the Chinese Nationalist delegation is the only delegation claiming to represent China which is physically present when the Assembly is convened, the rules of procedure would clearly require that that delegation be seated in the Assembly. If its right to sit is challenged, the seating might be on a provisional basis pursuant to Rule 29 of the General Assembly's Rules of Procedure.

5. *Hearing for the Chinese Communists*

The objections to any hearings on this matter may be summarized as follows:

(a) They are unnecessary because the essential facts underlying the problem are already clear to all members of the Assembly, and the issue must now be decided on the basis of political decisions taken by each delegation in the Assembly.

(b) They are undesirable because they will provide an opportunity for Communist propaganda and will seriously delay the organization of the Assembly and the inauguration of its substantive work;

(c) If the Chinese Communists should be heard prior to a decision on Chinese representation, they could not be heard as Government representatives and, hence, could not under normal Assembly practice be heard in Plenary Session. It would be necessary for them to appear before some Assembly Committee. In that event, the Chinese Nationalist delegation would also, presumably, have to be heard, and the Assembly would be presented with the difficult procedural problem of whether to hear the Nationalists on the same footing as the Communists or on some other basis;

(d) If the demands for a hearing of the Chinese Communists should assume serious proportions the President or the Delegation might suggest that the purpose of such a hearing could be served without delaying the Assembly's proceedings by having the USSR, or some other delegation which has recognized the Chinese Communists, submit a written statement of the Chinese Communists to the Secretary-General for circulation to members as an Assembly document.

6. *Voting Rights of Chinese National Delegation*

Assuming that the Chinese National delegation has been seated provisionally, it is clear under the terms of Rule 29 of the Rules of Procedure that it, like any other delegation provisionally, should have "the same rights as any other representatives until the Credentials Committee has reported and the General Assembly has given its decision". The rule obviously requires that the Chinese Nationalist

representatives should be permitted to vote on the representation question as on every other question which comes before the General Assembly while it occupies the Chinese seats.

7. Possibility of Seating Neither Chinese Delegation

There is nothing in the rules of procedure which would prevent the General Assembly from taking a decision to seat no delegation from China. The policy implications of such a decision are considered in another paper.

IO Files : SD/A/C.6/110

Position Paper Prepared in the Department of State

CONFIDENTIAL

[WASHINGTON,] September 12, 1950.

RECOGNITION BY THE UNITED NATIONS OF THE REPRESENTATION OF A MEMBER STATE

THE PROBLEM

Cuba has proposed the following item ¹ for the agenda of the General Assembly:

“Recognition by the United Nations of the representation of a Member State.”

In its explanatory memorandum ² the Cuban Government pointed out that the rules of procedure of the main organs of the United Nations “merely establish procedure for the submission and approval of the credentials of representatives appointed by Member States to each organ; that is, for the verification of the powers of these representatives.” The memorandum states that the Charter makes no provision for deciding the problem that arises “when the United Nations has to decide which government has the right to represent a State in the Organization” . . . “nor do the rules of procedure of the main organs give any standard by which it may concretely and specifically be solved.” “ . . . the rules referred to are based on the presumption that in each Member State represented on the organ there exists a definite government.”

The Cuban Government suggests that the General Assembly provide a uniform procedure for the whole organization for the solution of the question of the right of a government to send delegates to represent a Member State.³

¹ This was done by letter of July 19 (UN Doc. A/1292).

² This was forwarded under cover of a letter dated July 26 (UN Doc. A/1308).

³ The relevant public documentation on the Cuban representation item is printed in the fascicule entitled “Agenda Item 61” in United Nations, *Official Records of the General Assembly, Fifth Session, Annexes*, volume II (hereafter cited as GA (V), *Annexes*, II).

RECOMMENDATIONS

1. The United States representative on the General Committee should support inclusion of the Cuban item in the General Assembly agenda and its referral to one of the main committees for consideration. In view of its nature, the item would normally go to the Legal Committee. If there is a preponderant feeling among other Delegations that the item should go to one of the Political Committees, the United States should concur.

2. The Delegation should seek to have the item placed at such a point on the agenda of the Committee to which the item is allocated as to permit the General Assembly to reach conclusions at the present session on the general considerations applicable to the question raised by Cuba. At the same time, the General Assembly should not act precipitately to place the item ahead of more urgent matters or to allow Assembly consideration of the question in conjunction with the problem of Chinese representation to indicate appeasement with respect to the Korean issue.

3. The United States should express substantive views and support proposals on the Cuban item along the following lines:

(a) The problem of a government's accreditation of delegates to represent a Member State in United Nations organs should not be confused with the question of diplomatic recognition. Neither voting for the seating of the representatives of a particular government as the representatives of a Member State, nor sitting with such representatives in any organ, can in themselves be construed as diplomatic recognition of that government. A Member of the United Nations is not required to vote for the seating of a particular government's representatives in the United Nations merely because the Member accords diplomatic recognition to the government in question, although the same considerations may be relevant in regard to both representation and recognition. Conversely, a Member is not required to vote against the seating of a particular government's representatives merely because the Member does not recognize that government.

(b) The following factors among others should be weighed in determining a question of representation in a United Nations organ:

(i) *de facto* control of the territory and administrative machinery of the State, including the maintenance of order;

(ii) ability and willingness of the government to discharge its obligations under the Charter;

(iii) General acquiescence of the population as a guide to the stability of the government.

(c) A United Nations organ's acceptance of the representatives of a government as the representatives of a Member State does not imply approval or disapproval of that government's policies or of the manner in which it came to power.

(d) Organs of the United Nations, when considering a representation question, should give due weight to the consideration by, and the

decisions and recommendations of, the Security Council or the General Assembly on any political question relating to the country whose representation is in issue.

(e) Uniformity among the organs of the United Nations is desirable on questions of representation. To this end, the General Assembly should recommend to the Members of the United Nations principles along the general lines indicated above, to serve as a guide in all United Nations organs on the question of the right of a government to send delegates to represent a Member State. The General Assembly should resolve that its subsidiary organs should be bound by any decisions of the General Assembly, or its Interim Committee when it is not in session, on whether a government should be permitted to accredit delegates to represent a Member State. The General Assembly should recommend to Members that in other bodies of the United Nations generally, when such a question arises, these bodies in making their decisions should take into account such prior decisions of the General Assembly, or its Interim Committee, on the same question of seating a particular government's delegates as representatives of a Member State. Special attention should be given to the functional commissions and subcommissions of ECOSOC which are composed of particularly qualified individuals who have been nominated specially by Member States and confirmed by ECOSOC.

COMMENT

So far as the procedure for handling the Cuban item is concerned, it is desirable to have the General Assembly complete its consideration of this agenda item before the end of the present session, in order that the results of study may be available for use before next year in dealing with the Chinese representation issue and in order that the General Assembly's consideration of the Cuban item and any criteria developed by the Assembly may be brought to bear on the policies of the Chinese Communist regime with the least delay. The advantages of completion at this Assembly session of work on the Cuban item are believed to outweigh the advantages to be gained from a year-long study by the Interim Committee or body of independent experts. In view of the close connection between the Cuban item and the issue of Chinese representation, other delegations may wish to have the Cuban item referred to one of the Assembly's Political Committees rather than to the Legal Committee. Because of its nature, normally the item would be allocated to the Legal Committee. Such allocation at the present session would be advantageous in helping to bring about a more even distribution of work among the various Assembly Committees and prevent overloading of the Political Committees.

Representation an issue separate from recognition

On the substantive aspects of the Cuban proposal, it cannot be stressed too strongly or too often that the question of representation of members in an international organization should be kept separate

from the question of diplomatic recognition. From their nature, international organizations cannot function and get ahead with their business unless the problem of representation is kept separate from the manifold issues of diplomatic recognition between one new government and the governments of all the other member states in a particular organization. A distinction between representation and recognition is clearly indicated in Article 12 of the Headquarters Agreement between the United States and United Nations,⁴ where it is provided that the right of access of delegates to the Headquarters District shall be independent of the relations between their governments and the United States Government. The organs of the United Nations have in fact been operating on the basis of this principle of separation. For example, at the second session of ECAFE the United States delegate proposed a resolution to seat the representatives sent by the Siamese Government, which was then unrecognized by the United States as the legal government of Siam. The resolution, which was adopted by the Commission, stated that the admission to participation "does not imply any step towards the recognition of the present Siamese Government by Governments members of the Commission". And at the second session of the General Assembly in 1947, representatives of Ecuador and Nicaragua were seated without objection at a time when the governments sending them had not yet been recognized by the United States or a majority of Latin American states.

Actual control a criterion

Normally, Member States should be represented in international organizations by the governments which actually exercise authority in the respective States. The territories and peoples of the Member States cannot ordinarily be represented in any effective manner by shadow governments with little or no chance of regaining control that they have lost, regardless of the claims such governments may have to be the legal or legitimate governments. The business of international organizations would lose its reality unless in the main the delegates of Member States are in a position to speak for the authorities which really control those States.

Relation of representation issue to substantive question in United Nations political organs

There are, of course, situations in which revolutionary change of government in a United Nations Member comes under the scrutiny

⁴ Signed at Lake Success, New York, June 26, 1947; for text, see 61 Stat. 756 or Department of State Treaties and Other International Acts Series No. 1676. For documentation on the negotiation of this agreement, see *Foreign Relations*, 1947, vol. 1, pp. 22 ff.

of a political organ such as the Security Council or the General Assembly. In an appropriate case, the Council or Assembly might decide upon steps to influence the course of events in the Member State concerned, and might include among those steps decisions or recommendations on diplomatic recognition and on representation in United Nations organs. This type of situation is envisaged in paragraph 3(d) of the recommendations in the present paper. It may be that in the future political organs of the United Nations may make more extensive use of their powers of decision and recommendation to use collective action on representation and recognition as political instruments. It is important that such action, if taken, be made effective through the concert of many nations and through relating the collective action on representation and recognition to the other measures being employed to produce political results. Futile steps with respect to a matter such as representation or recognition are worse than useless. The Spanish case has become an apt illustration of this point.

Attitude toward Charter obligations

The conduct of a government in relation to the obligations of the Charter is relevant in deciding whether to seat the representatives of that government. If the government in question is engaging in conduct which would render a State subject to expulsion, such conduct may be a reason for not seating the government's representatives.

American experience with recognition policy

As pointed out earlier, questions of the representation of a country in international organizations should be kept separate from questions of diplomatic recognition of a government in that country, although it is nevertheless interesting to note certain features of United States policy on the question of diplomatic recognition. During much of American history, this Government has pursued the policy of basing its diplomatic recognition of other governments on realistic considerations of actual control, wherever a government seemed prepared to discharge international responsibilities. At times other criteria have been introduced, with a view to bringing about particular political results in the foreign country concerned. It was concluded in 1948 in a Policy Planning Staff paper on recognition that the introduction of those other criteria—such as whether a government came to power by constitutional means—has generally been a failure in practice.

Uniformity of representation throughout United Nations organs

Uniformity of representation in the various organs of the United Nations is clearly a desirable feature. The same government should have the power to accredit representatives to all of the organs and bodies of which the state is a member. No one organ of the United Nations is competent to decide for the whole organization which government should be so empowered. However, it would seem that the General Assembly is best suited to institute guidance on this question for the organization as a whole. The General Assembly can recommend a set of principles for the guidance of Members in the Assembly itself and in other organs. The General Assembly can instruct subsidiary organs of the General Assembly to abide by its conclusions, or those of its Interim Committee if it is not in session, in the application to a particular case of the recommended principles on representation. It can properly recommend to Members that their representatives on the Trusteeship Council and the Economic and Social Council should give proper consideration to such conclusions of the General Assembly or its Interim Committee on a particular question of representation. The General Assembly might also make appropriate arrangements to have its conclusions brought to the attention of the Security Council for its consideration.

The present position paper has been framed to deal with representation problems in general; it has not been addressed to a particular problem, such as the present Chinese case. Many different and difficult representation problems may arise in the future; there is obvious good sense in the suggestion of Cuba that there should be some orderly and regular method for solution of these problems as they are presented.⁵

⁵ The Cuban item on representation was considered first by the *Ad Hoc* Political Committee and then approved by the General Assembly on December 14 in Resolution 396 (V). It received the support of the United States through all phases of its legislative passage.

320/9-1350 : Telegram

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

CONFIDENTIAL

WASHINGTON, September 13, 1950—7 p. m.

258. Reurtel 513 Sept 12¹ we strongly oppose Lie plan to decide now on split session this GA and request you inform Lie our objections this regard, based on foll reasons. See also Deptel 242 Sept 11.²

¹ Not printed.

² Not printed. The views expressed therein were repeated substantially in this telegram.

1. It wld not attain his principal objective of postponing controversy over Chi representation and thus maintaining 53-nation unity. Issue must arise at outset of session as credentials matter. Decision to seat Chi Nationalists for first half of session wld give Sovs just as much opportunity for disruptive propaganda attacks as decision to do so on any other basis.

2. Possibly Lie is thinking in terms of not seating either Chi Del at first half of session. This wld present very great difficulties for us. Pls ascertain Lie's exact intentions this regard.

3. Sec's plan to use Cuban agenda item as incentive to Chi Commies to follow reasonable policies Korea, Formosa, Indo-China, etc, seems to us better calculated to attain objective than advance notification to Commies they need expect no consideration from GA until next spring. Our plan leaves flexible date and possibility of reconsideration. Conceivably we might wish reconsideration at end fall session, conceivably later, but in any event it is preferable not to make firm decision on this now.

4. One technical difficulty with Lie plan is that it provides for immediate reference representation issue to General Comite, before composition GC has been settled. China has always been member GC and we intend as always support it this year, but wld be in difficult position in doing so before GA had determined who wld sit for China.

5. Although Chi representation is an issue of major importance to GA, it is not only GA issue, and Dept doubts advisability disrupting entire GA schedule and plans visiting Dels for dubious advantages claimed by SYG. Following points seem particularly important to us.

6. Idea that session devoted to Korea, United Action, Soviet item and few other political items wld be short is in our view completely unrealistic. Without pressure heavy agenda, each part session wld probably be virtually as long as normal session and decisions reached wld very likely be no different.

7. Prelim survey Secretariat's proposals re allocation items between halves of session leads us to conclusion these proposals superficial and in some respects not feasible. It must be remembered most GA items, considered individually, are matters of principal concern to one or more Dels. For example, it hardly seems likely that LA states wld agree postpone Spanish issue and in fact this item wld not take more than 4 or 5 Comite meetings. It is doubtful we wld agree postpone Greek item, that Indians wld concur postponement treatment Indians or Arabs matter Egyptian-Libyan border, invitation Arab League attend session, Jerusalem, or above all their refugee item.

8. Many items suggested for postponement other committees are inconsequential and will in fact take little time. We repeat in this

connection that, except for Political Comitè, no Comitè has as heavy agenda as 1949. Net result postponement items these Comitès wld mean that unnecessary amount time wld be spent on certain items. In addition, we cld not agree postponement some of these items. For example, we think it absolutely essential that Refugee Convention be adopted this GA and opened for signature as soon as possible. IRO terminates Mar. 31, 1951 and the Convention is only tool High Commissioner will have at his disposal to secure legal status refugees who without Convention have no status.

To sum up we do not wish foreclose eventual decision on split session if it ultimately appears necessary, but wld oppose any decision to split session now.

WEBB

IO Files : SD/A/225/Rev. 1

Position Paper Prepared in the Department of State

SECRET

[WASHINGTON,] September 14, 1950.

CHINESE REPRESENTATION IN THE GENERAL ASSEMBLY

THE PROBLEM

The problem is to determine the substantive position of the United States on the question of Chinese representation at the Fifth Regular Session of the General Assembly. (The procedural problems which may arise in the consideration of this subject are discussed in a separate paper.¹)

RECOMMENDATIONS

1. Action by the United States Delegation should be consistent with the position taken by the Secretary in his discussion of the matter with the British and French Foreign Ministers on September 14,² subject to any modification upon which agreement may be reached. That position is stated in recommendation 3. As indicated in that recommendation, the United States should favor the seating of the Chinese Nationalists and oppose the seating of the Chinese Communists.

2. The United States would prefer a quick decision on the Chinese representation question as indicated in recommendation 3 as soon as it

¹ Doc. SD/A/234, September 11, p. 275.

² Informal minutes of the tripartite ministerial meeting between the Secretary of State and the British and French Foreign Ministers on September 14 are scheduled for publication in volume III. The results of the conversations with respect to the issue of Chinese representation are described in brief in the minutes of the meeting of the U.S. Delegation, September 18, p. 291.

is raised, so that the Assembly may proceed expeditiously to the election of its officers, its general debate, and its committee discussions without being hampered by a series of Soviet propaganda speeches and diversionary maneuvers on the subject. If the issue is raised by a Soviet motion to exclude the Chinese Nationalists, this would be most likely to lead to a decision favorable to United States interests.

3. The Delegation should take action along the following lines:

a. We should seek to hold the line on the desirability of rapid General Assembly action.

b. Our position in the debate in the plenary should be along the following lines:

The question which confronts the Assembly as to which of two rival claimants should be seated as representative of China is a question which should be decided only after the deepest thought and consideration.

However to give this question the consideration it requires would delay the work of the session and, in view of the importance of Assembly business, involving as it does the crisis in Korea we must not permit that delay to occur.

Therefore the most intelligent alternative is to have a vote at the outset, seat the Nationalist representatives and get on with the business.

While the session is in progress there will be opportunity for members of the United Nations to give further consideration to this question when the Cuban agenda item for study of the problem of United Nations representation is discussed. We think this study should be made so that agreed criteria can be developed and members can apply those criteria to the Chinese question.

One aspect to which Members of the United Nations will doubtless want to give particular attention is the attitude of the Chinese Communist regime towards the purposes and principles of the Charter and its willingness to live up to the obligations of United Nations membership.

If the General Assembly decision is taken on this basis it will provide an incentive to the Chinese Communists to behave properly during the forthcoming months in respect to Korea, Formosa, etc. We should not, however, make a commitment that as a result of this procedure the United States would vote in favor of seating the Chinese Communists.

In order to provide a test of the attitude the Chinese Communists would adopt in the Assembly we are prepared to accept their participation if they request it in Committee I debate on Korea and Formosa and perhaps in the Committee which considers the Cuban agenda item.

4. The United States believes that the decision by the Assembly as to whether the Chinese Nationalists or the Chinese Communists shall represent China in the General Assembly should be decided by a simple majority vote.

5. If the Soviet bloc should walk out of the General Assembly in consequence of the decision taken on the representation question, the United States should act on the assumption that business will proceed as usual, as has been the case in the Security Council and almost all other United Nations Organs. No concession should be made to bring about a Soviet return.

6. In the unlikely event of a definitive Soviet withdrawal from the United Nations, the "business as usual" policy should be followed until it has been decided what additional measures are desirable.

COMMENT

These recommendations are intended to fall within the general framework of our existing policy on Chinese representation, with such modification as is necessary to meet the special circumstances in the General Assembly. The following points may be specifically noted:

a. Since the Chinese Communists have accredited a Delegation to the Assembly, the representation issue must arise at the beginning of the session, when the Assembly considers the credentials of its members. The Soviets may be expected to demand the exclusion of Chinese Nationalist representatives at the very outset, as they have done in other United Nations Organs.

b. Since the issue arises through the presentation of two sets of credentials, the situation differs from the situation in the Security Council in that the General Assembly will not be considering a move to displace an already seated Nationalist representative, but will be making a decision between two rival claimants for the Chinese seats.

c. It is believed that the status of the Chinese Communists as co-conspirators in the North Korean aggression offers us our strongest political argument on this matter in the Assembly.

d. The reference in recommendation 3 to the Cuban agenda item refers to the item placed on the provisional agenda of the General Assembly by Cuba, under the title "Recognition by the United Nations of representation of a Member State." The United States position on this subject is set forth in a separate paper.³

e. Any action in the General Assembly which resulted in failure to seat the Chinese Nationalists, either temporarily or permanently, would necessarily reflect upon their standing in the Security Council. The Chinese Nationalist vote in the Security Council is important to us, since it may at times be necessary for attainment of the parliamentary majority of seven.

f. The position of the United States that a simple majority vote in the Assembly should decide the Chinese representation question is based on the following reasoning:

Although this question is obviously important, it is not one of the important questions listed in Article 18 of the Charter. As a matter of sound organizational procedure, it is necessary to facilitate deci-

³ Doc. SD/A/C.6/110, September 12, p. 280.

sions of the Assembly on questions which are essentially organizational in nature and it would be an unfortunate practice to permit a minority group of one-third of the Assembly to prevent its proper functioning. This position is analogous to the United States position that a decision on this question in the Security Council is not subject to the veto. Furthermore, unlike the situation in the Security Council, the Assembly may be faced with the problem not of excluding a delegate already seated, but of making a decision between two claimants who, as a matter of procedure, stand on an equal footing until a decision is made. As indicated above, it would be unfortunate if because of the failure to obtain a two-thirds majority neither claimant government could be seated. An additional consideration is the general position of the United States in respect to Assembly decisions that the categories of questions which require a two-thirds majority for decision should be kept to a minimum. The maintenance of this policy is obviously in the best interests of the Organization and the development of the General Assembly as an effective instrument to carry out the purposes of the Charter.

310.2/9-1550: Telegram

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

SECRET

NEW YORK, September 15, 1950—8:37 p. m.

559. Ross and Maffit¹ called on Romulo before he returned to Washington. In discussing Chinese representation, Romulo suggested following procedure might be followed if Vishinsky raises point of order or presents resolution: After USSR speech US or some delegation propose item go to general committee for study. If there are two parts to session, as Lie advocates, general committee might recommend to plenary that settlement be postponed to second part with Nationalist Chinese continuing to sit. Romulo's thinking was that postponement of settlement until present tense atmosphere should clear a little, would be useful, especially as measure to avoid antagonizing Communist China and possibly leading it into Korean war which it might do if it felt it had no chance of being seated until 6th GA. Romulo liked idea of split session as way to postpone decisions on Korean future and perhaps other controversial matters while present tensions prevail.

Reserving our position on split session since US opposes at this time, Ross suggested that if situation worked out along lines Romulo expounded, perhaps special committee might study Chinese representation question and report later to Assembly. He wondered whether Romulo felt avoidance clearcut decision at this time might help

¹ Edward P. Maffit of the United States Mission at the United Nations.

French and some others. Romulo thought it would. He added that Philippine Government is firm against recognizing Communist China. Further discussion tactics left Romulo holding firm his line re split session and postponement Chinese representation issue which he hoped we would consider carefully.

[Here follows discussion of other subjects.]

GROSS

IO Files: US/A/M (Chr)/136

Minutes of the First Meeting of the United States Delegation to the General Assembly, New York, September 18, 1950, 11:00 a. m.

SECRET

[Here follows list of persons present (39).]

1. *Chinese Representation* (SD/A/225/Rev. 1 and SD/A/234)

Mr. Bancroft explained that this subject had been discussed by the Foreign Ministers who had reached agreement on procedures to be followed, but not on substance. Our position was summarized in the papers before the Delegation. It was expected that the issue would be raised either by a Soviet or Indian motion. Our position was to vote for the continued seating of the Nationalists; we believed this issue should be discussed with a minimum of debate and quickly voted upon. We would indicate our belief that the matter should be decided only after deepest thought and consideration which was not possible at the outset of the session in view of the urgent business before the Assembly. We would, however, agree to further study in connection with the Cuban proposal on representation which would presumably provide a basis for deciding between rival claimants for United Nations representation. In the meantime, we could observe the attitude of the Chinese Communists toward the United Nations. Obviously, as the Secretary had observed during the Foreign Ministers meetings, we did not desire to slam the door forever on the possibility that the Chinese Communists might be admitted to the United Nations, but at the same time we wished to make clear to them that their conduct was under close scrutiny.

Mr. Bancroft stated that Bevin had indicated the position of his Government would continue to favor seating the Communists both before and after the Cuban study, and the Secretary, on the other hand, had made it clear that no commitment was intended as to the way in which the United States would vote after the study was concluded.

Mr. Bevin had argued that our position was isolating China from the Western World, forcing it into the arms of the Soviet Union and driving a wedge between India and China. Mr. Schuman had taken the position that recognition and representation in the United Nations were two different problems, and while his Government had no thought of recognizing the Chinese Communists so long as they maintained their present position toward Indo-China, it would wish to face the fact that the Chinese Communists controlled all of China and the Nationalist representatives represented nobody. Nevertheless, France would vote against ousting the Nationalists and against seating the Communists.

Mr. Bancroft called attention to another aspect of our position namely, that we were prepared to accept Chinese Communist participation if requested in the Committee 1 debate on Korea and Formosa, and perhaps in the Committee considering the Cuban item. In no way would we suggest that this was a first step toward admission of the Communists, but there were sound political advantages in giving this group a chance to expound its position. Such a device would, among other things, forestall any attempt by India to become the advocate for Red China. However, Mr. Bancroft emphasized that this aspect of the problem would not come up in the immediate future and was not for discussion.

Mr. Hickerson explained that Sir B. N. Rau had visited the Secretary yesterday and talked to him at considerable length on Chinese representation. Rau had said that he saw a great deal of merit in having a commission set up to look into this question and make specific recommendations to the Assembly on the Chinese situation. Possibly the Cuban proposal could be pin-pointed to this particular problem by looking at such matters as actual control of the territory, opposition to the Government, foreign policy of the Government etc. Mr. Hickerson went on to say that fifteen minutes after he had left the Secretary, Rau was telephoning for another appointment since he had received new instructions. This time he had talked to Messrs. Ross and Hickerson and had explained that he was now instructed to give immediate notice of the introduction of a resolution at the beginning of the session which would provide for seating the Chinese Communists, and would attempt to be recognized for this purpose at the very start of the session. Mr. Hickerson read the text of the Rau proposal to the Delegation. Noting that this draft would involve consideration of the question on its merits, Mr. Hickerson reported that he had informed Rau that the United States preferred his previous idea of a Commission, and that we felt quite strongly that it was impossible to get impartial, objective consideration of the question on its merits at the

present time because of **Korea**. Moreover, it was important to get on with the Assembly's business.

Mr. Rau had inquired what position the United States would take on the Indian resolution, and Mr. Hickerson had replied that we would oppose it. Then Rau had asked whether we would use our influence against the resolution, and the answer had been that we would use all our influence to get the proposal voted down because we thought the procedure which we had in mind was a better way of dealing with the problem.

Mr. Ross observed that Rau did not wish it known that he was in any way the author of the commission idea or that there was any difference between himself and his government.

Senator Lodge inquired as to the significance of the phrase on Page 3 of the position paper, "the attitude the Chinese Communists would adopt in the Assembly."¹ It was explained that it meant if they were members; in any case here the assumption was simply that the Chinese Communists would be heard as witnesses, and would be permitted to take a limited part in the debate by making statements and answering questions. Senator Lodge asked whether this had been done previously; hearings for Albania and Bulgaria in connection with the Greek case and for Italy in the disposition of the former Italian colonies were mentioned as previous illustrations of this practice, and it was noted that in each case the Committee had set the terms for participation of such witnesses.

Senator Lodge asked whether such action would look as if the Chinese Communists were being accorded some kind of recognition. The reply was in the negative. Mr. Hickerson referred to the fact that a number of friendly delegations, such as the Canadians, felt it would be a great mistake not to hear the Communists. Moreover, if no hearing was granted, the Indian Delegation would feel called upon to be their spokesman, an obviously undesirable development. If the Communists did appear, there was a chance that they might make fools of themselves.

Mr. Cohen still believed, in view of our general objectives, that it would be more effective to hold the present Chinese seat vacant, rather than keep the Nationalists in the seat. That position would facilitate the watching of developments and would not give the impression that we were maintaining the Nationalists in the United Nations without due cause. Mrs. Roosevelt asked whether our real objective was not to keep the Nationalists in because of their representation on the Security Council.

¹ See Doc. SD/A/225/Rev. 1, p. 287.

Ambassador Austin referred to the language of the position paper in this regard, which indicated the importance of the Chinese Nationalist vote in the Council. He observed that we were operating on a thin margin in the Council, and that actually we could not have maintained our position without the Chinese vote. Mr. Dulles referred to the requirement of Article 28 which indicated that China must be represented on the Council, and thought, that if the seat were left vacant, it would throw a cloud over the legality of Security Council action.

Referring to possible Chinese Communist participation in Committee 1, Ambassador Gross wondered whether we might not also say we favored inviting other interested parties to be heard, as for instance the Japanese. Possibly the paper was incomplete on this point. Mr. Bancroft explained that while the position paper singled out the Chinese Communists, it was not meant to exclude the participation of others.

Mr. Tate asked what the word "perhaps" meant in connection with the possibility of hearing the Chinese Communists on the Cuban item. He saw no reason for their participation on this item. Mr. Bancroft indicated that was the basis for the use of the word "perhaps".

Senator Lodge asked whether it would be inconsistent with the international status of the Japanese for them to be heard. Mr. Dulles agreed it might constitute a problem, since SCAP was the representative of the Japanese in matters of this sort; he also wondered whether representatives of Formosa might not be heard, although Senator Lodge doubted there were any which would not be under the control of Chiang Kai-Shek.

Speaking to the recommendation that the Assembly should act on the matter of Chinese representation by a simple majority vote, Mr. Cohen thought we should be a little careful of what the Secretary's statement said, particularly since the paper referred to this subject as a serious and important question. He believed we might be subject to possible embarrassment on this point. He did not recall that our interpretation of Article 18 excluded its application to other questions.

Senator Sparkman asked what the basis for difference in position in the Assembly was, as contrasted with our position taken in the Security Council last week. Ambassador Austin explained that in the Council the real issue was whether the Chinese Communists should be allowed to represent China. The only formal request from the Peiping regime before the Council expressly asked that its representatives be seated in the Council. This intention of the Chinese Communists had been exposed in the Council, and they had failed to get in. Unfortunately, the public had not understood clearly the basis of the position taken by the United States. In addition, Ambassador Austin

pointed out that the United States had been prepared to support a Commission on the alleged Manchurian bombings,² which would have conducted actual hearings on the spot, and after it reported back, we had indicated we would be willing to reconsider the question whether the Chinese Communists should be heard in the Council. Senator Sparkman observed that the press had not made this situation very clear. Mr. Popper pointed out that the hearings recommended in the position paper did not relate to the representation question.

Mr. Bancroft turned to the question whether either regime should be seated. He believed that, as a matter of policy, it would be unwise at this stage to give the Communists any prize. Obviously a second prize would be to exclude representatives of both governments. He suggested also we should see whether any other delegations raise this possibility.

Ambassador Austin stated that the position paper was unanimously adopted as the policy of the Delegation.³

[Here follows discussion of other subjects.]

² For documentation on this matter, see volume VI.

³ That is, Doc. SD/A/225/Rev. 1.

320/9-1850: Telegram

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

SECRET PRIORITY NEW YORK, September 18, 1950—8:49 p. m.

Delga 3. In view of Secretary's inability to see Rau again today on latter's request Hickerson and Ross called on Rau this morning. Referring to his discussion with Secretary yesterday on Chinese representation, Rau said that shortly after returning to his apartment from Waldorf he had received instructions from his government directing him to file immediately resolution proposing seating of Chinese Communists (text contained in USUN's Delga 1).

In course of discussion Rau outlined again well-known Indian views re seating Chinese Communists, quoting in this regard from letter he had received from Nehru and report from Pannikar enclosed therein. Hickerson gave main lines US position and reasons therefor.

We inquired whether Rau's instructions were binding or whether there might be room for modification based on his consultations with US and other delegations. Rau said that both from viewpoint of time and attitude his government he must consider instruction to file resolution binding.

Hickerson emphasized that idea Rau expressed to Secretary yesterday concerning possible commission to study all factors bearing on issue of Chinese representation was rather appealing and not too far distant from our own position.

Rau said he could not sponsor commission proposal and he made clear commission idea was his own personally and that he did not want it attributed to him. At same time we had impression that he liked his own idea rather better than his instructions.

Rau said his government is anxious get early vote on their resolution. They feel that issue should be decided by Assembly on its merits and not on a "point of order" raised by Vyshinsky.

Procedure Rau has in mind is that when Vyshinsky raises point of order Romulo would refuse to make ruling (in this connection Rau mentioned as precedents Malik's refusal to rule on similar points in SC), but would say (a) Vyshinsky could raise in credentials committee any objection he had to Nationalists' credentials, and (b) Romulo would remind Assembly that Indian resolution was already on table. Matter would thereupon be referred to credentials committee. After receipt of report of credentials committee by Assembly he would expect Indian resolution to be called up in plenary for debate.

Rau inquired as to our attitude towards Indian resolution. Hickerson told him categorically that we would not support it and would have to vote against it.

Rau asked whether we would work against his resolution. Hickerson replied categorically that it would be necessary for us to use our influence with delegations with which we had influence to induce them, if possible, to vote against his resolution.

Conversation ended on note of exchange of amenities for courtesy of frank discussion and exchange of information.

AUSTIN

IO Files : US/A/2448

*United States Delegation Working Paper*¹

CONFIDENTIAL

[NEW YORK, September 19, 1950.]

THE PROBLEM OF CHINESE REPRESENTATION IN THE
GENERAL ASSEMBLY

For the first time in its history the United Nations is confronted with the necessity of making a decision on the claims of two contenders for the seat of a single Member in United Nations organs. The

¹This paper was attached to an "Agenda Memorandum" which included discussion of all other items on the agenda of the first plenary meeting of the General Assembly on September 19.

situation in the General Assembly is therefore without precedent, and the possibilities for action are therefore not clearly defined. The position of the United States is based on the desirability of reaching a quick decision on the seating problem in order that the General Assembly may get on with its work; at the same time we will support a thorough study of the criteria for representation, which may be made under the agenda item submitted by Cuba, "Recognition by the United Nations of the Representation of a Member State" and a later decision by the Assembly on the basis of a report resulting from that study.

The general line to be followed by the United States Delegation in its statement in the plenary is attached. (Annex A)

1. HOW THE MATTER MAY ARISE

The issue will probably arise in one of the following ways:

(a) In accordance with its practice in other United Nations bodies, the USSR may propose, on a point of order at the very outset of the meeting, the exclusion of the representatives of the Chinese National Delegation and the seating of representatives of the Chinese Communist Regime;

(b) Before the Soviet point of order can be made, India or some other state which recognizes the Communist regime may propose that the Chinese Communists be seated. It is understood that Sir Benegal Rau, under instructions from his government, intends to submit the attached resolution (Annex B) which would provide for the seating of the Communists.

Comment:

Both the Rau resolution and the anticipated Vishinsky resolution are directed toward the same end—namely, a change in Chinese representation. From our point of view it would be advantageous to have a vote on the Vishinsky proposal since it would presumably receive less support than the Rau resolution.

2. HOW THE QUESTION MIGHT BE HANDLED

The following methods for dealing with proposals on Chinese representation have been mentioned:

- (a) Immediate debate and action in the plenary session;
- (b) Referral to the General Committee for a recommendation as to whether the matter should be included in the agenda and whether it should be handled in the plenary session or referred to a Committee;
- (c) Referral to the Credentials Committee; and
- (d) Referral to a Main Assembly Committee (Political Committee or Legal Committee).

United States Position on These Methods

(a) The United States should support and, if necessary, initiate a motion to the effect that the Chinese issue should be debated and acted upon immediately in the plenary session. The United States believes that in this way the Assembly will be able to proceed expeditiously to the election of its officers, its general debate, and its committee discussions. This is particularly important this year because of the urgency and critical nature of a number of items on the Assembly's agenda and the unusually heavy volume of work with which the Assembly is confronted. At the same time, we are quite aware of the fact that the representation issue is a new problem in the United Nations to which thorough study and consideration should be given. We will therefore support not only an immediate initial decision but also a thorough study of the general problem of representation, and the development of criteria which can be used in such cases. These might be applied by the Members of the United Nations to the Chinese problem.

(b) Referral to the General Committee

The General Committee is the steering committee of the General Assembly and has the function of making recommendations with regard to the method of disposing of agenda items in order to guide and expedite the work of the General Assembly. Under rule 41 of the Assembly's rules of procedure, however, the General Committee is enjoined from deciding any political questions. Thus this Committee is limited to the making of recommendations with regard to the conduct of Assembly business.

The United States should oppose a referral of the Chinese representation problem to the General Committee. The question here is not whether this subject should be included in the agenda, since a challenge of the right of any Delegation to sit in the Assembly is automatically Assembly business. Nor should there be any particular need for General Committee advice on the way in which this question should be handled. If it is referred to a Committee—any Committee—the ultimate decision must nevertheless be made by the Assembly itself. Since this is so, and since the issue is clear-cut, we would much prefer to avoid repetitious debate and delay in organizing the Assembly by settling the problem directly in the plenary without going through the stage of General Committee consideration, which might be followed by referral to still another Committee before we reached the end-point of Assembly discussion and decision.

(c) Referral to the Credentials Committee

The Credentials Committee, consisting of nine Members appointed by the General Assembly on nomination by the President, examines the credentials of representatives and reports to the Assembly.

Hitherto the work of the Credentials Committee has always been purely formal. Acting under the guidance of the Secretariat, it has always reported to the General Assembly that the credentials of the Delegations were in order.

In our view no useful purpose would be served by referring the item to the Credentials Committee. There is nothing it could usefully contribute, and it might indeed report only that it is unable to act on a question of this character. In order to avoid prolongation of debate, we would therefore oppose reference of the matter to the Credentials Committee.

(d) Referral to a Main Assembly Committee

For the same general reasons—namely, a desire for a quick decision and the avoidance of duplication of debate—we would oppose an isolated reference of the Chinese representation problem to a Main Assembly Committee. We would not, however, object to an arrangement under which the resolution proposed by Sir Benegal Rau would be considered in a Main Committee in conjunction with the Cuban item.

3. OTHER PROCEDURAL QUESTIONS

It is not possible to determine in advance all the procedural problems which may arise in connection with the representation issue. However, our position on those most likely to arise is as follows:

a. Majority Requirement

The United States believes that a question of representation is a matter relating to the organization of the Assembly and that a simple majority suffices for decisions on such issues. The Delegation should therefore oppose any proposal to the effect that decisions on the Chinese representation question should require a two-thirds majority.

Comment:

Normally, there would be no doubt that a question relating to credentials requires only a simple majority for settlement. However, it may be contended that the decision as to which government represents China is not a simple question of credentials, and that although not specifically listed in Article 18 of the Charter and rule 84 of the rules of procedure it is in fact an "important" question which should require a two-thirds majority for solution. (A decision on the size of the majority required would be taken by a simple majority vote.) The reason for the United States position is not that the matter is inconsequential, but that it is essentially organizational in nature and it would be undesirable to permit a minority group which might consist of one-third of the members of the Assembly plus one to obstruct the proper functioning of the Assembly. It would be unfortunate if, because of a failure to receive a two-thirds majority, neither claimant could be seated. In addition, the United States has always attempted to hold to a minimum the categories of questions which require a two-

thirds majority for decision in the General Assembly. The maintenance of this policy is in the best interests of the United Nations and the development of the General Assembly as an effective instrument to carry out the purposes of the Charter.

b. Secret Ballot

The United States should oppose any proposal to the effect that motions relating to the Chinese representation issue should be voted upon by secret ballot. In taking this position the Delegation should point out that it is the clear intent of the rules that the secret ballot should be used only in election questions, that organizationally it would be undesirable to expand the use of the secret ballot, and that there is no reason why any state should not stand up and be counted on this matter.

c. Hearing of Chinese Communists

The Soviets may introduce a motion to give the Chinese Communists an opportunity to be heard on the question of which delegation should represent China. The United States should oppose hearing the Chinese Communists on the ground that the facts of the problem are already clear to all Members of the Assembly and that the issue presently before it requires no further factual evidence. To hear the Chinese Communists at this time would seriously delay the work of the Assembly and prevent it from getting on to its important business.

Annex A

CONFIDENTIAL

The question which confronts the Assembly as to which of two rival claimants should be seated as representative of China is a question which should be decided only after the deepest thought and consideration.

However to give this question the consideration it requires would delay the work of the session and, in view of the importance of Assembly business, involving as it does the crisis in Korea we must not permit that delay to occur.

Therefore the most intelligent alternative is to have a vote at the outset, seat the Nationalist representatives and get on with the business.

While the session is in progress there will be opportunity for Members of the United Nations to give further consideration to this question when the Cuban agenda item for study of the problem of United Nations representation is discussed.² We think this study

² For the Cuban item, see Doc. SD/A/C.6/110, September 12, p. 280.

should be made so that agreed criteria can be developed and members can apply those criteria to the Chinese question.

One aspect to which Members of the United Nations will doubtless want to give particular attention is the attitude of the Chinese Communist regime towards the purposes and principles of the Charter and its willingness to live up to the obligations of United Nations membership.

Annex B

CONFIDENTIAL

INDIAN DRAFT RESOLUTION

The General Assembly

Noting that the Republic of China is a member of the United Nations and of various organs thereof;

Considering that the obligations of a member under the Charter of the United Nations cannot be carried out except by a Government which actually exercises control over the territory of that member and commands the obedience of its people;

Recognizing that the Central Government of the Peoples' Republic of China is the only such Government functioning in the Republic of China as now constituted;

Decides that the aforesaid Central Government through its Head, or its Minister for Foreign Affairs, or its accredited representatives, as the case may be, shall be entitled to represent the Republic of China in the General Assembly; and

Recommends that the other organs of the United Nations adopt similar resolutions.

320/9-1950 : Telegram

The Secretary of State to the Acting Secretary of State

PRIORITY

NEW YORK, September 19, 1950—7:08 p. m.

Delga 7. GA adopted today following resolution introduced by Canada and amended by Australia by vote of 42 for, 9 opposed, 6 abstentions.

"The GA,

"*Taking note* of differences of views concerning the representation of China in the UN,

"*Establishes* a special committee consisting of seven members nominated by the President and confirmed by the Assembly to consider the question of Chinese representation and to report back with recommendations to the present session of the GA, after the Assembly shall have considered item 62 of the provisional agenda (Cuban item).

"*Resolves that*, pending a decision by the GA on the report of this special committee, the representative of the National Government of China shall be seated in the GA with the same rights as other representatives."¹

ACHESON

¹ For the proceedings of the General Assembly on September 19 relating to the Chinese representation question, see United Nations, *Official Records of the General Assembly, Fifth Session, Plenary Meetings*, vol. I, pp. 2 ff. For the Secretary of State's statement against the Indian resolution, see *ibid.*, p. 6. The Indian resolution was considered ahead of the Canadian resolution, and was rejected by 33 votes to 16, with 10 abstentions. After approving the Canadian resolution as amended by Australia (the original Canadian resolution provided the President of the General Assembly with sole power of selection of the members of the proposed commission), the General Assembly rejected two Soviet draft resolutions.

The Special Committee on the representation of China was established by the General Assembly on December 12 in Resolution 490 (V), consisting of Canada, Ecuador, India, Iraq, Mexico, the Philippines, and Poland; and held its first meeting on December 15, electing Sir Benegal Rau of India as its chairman. The Special Committee "decided at that time to leave it to the Chairman's discretion as to when to call a further meeting in light of the discussions which were then in progress relating to a cease-fire in Korea." The committee did not meet again until October 16, 1951.

UNITED STATES PROPOSALS FOR STRENGTHENING THE UNITED NATIONS SYSTEM IN ORDER TO MEET POSSIBLE FUTURE AGGRESSION; THE "UNITING FOR PEACE" RESOLUTION

330.1/7-2750 : Telegram

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

SECRET PRIORITY

NEW YORK, July 27, 1950—7:02 p. m.

142. Reference Department's 54, July 24,¹ we feel arguments set forth would apply with equal force to other possible conflict areas. In particular we agree, of course, with statement Deptel re desirability having Commissions similar UNCOK on duty in order to report immediately to SC outbreak aggression anywhere.

We are, however, inclined to feel any action such as proposed in reftel limited to one specific area of world such as Yugoslavia, Iran, Indochina or Formosa, would have two unfortunate effects:

First, impression would be created that particular area selected was believed to present most serious risk new outbreak aggression. Result would probably be jitters in area and increased political tensions, even among our friends, in regard to particular area.

Second, differences and complexities of political attitudes held by friendly nation with regard to particular areas would be highlighted and difficulties achieving purposes envisaged greatly increased if each possible conflict area were dealt with separately by SC.

Accordingly we feel that a general rather than a piecemeal approach in SC would deal more effectively with problem of preventing spread of conflict by new outbreaks of aggression by Soviet-inspired Communist forces in tender areas (such as Berlin, Yugoslavia, Iran, Burma, Indochina, Formosa).

¹ This telegram is scheduled for publication in the compilation on Yugoslavia in volume IV. It said in part: "Impact of UNCOK report on Korean invasion in SC and subsequent benefits to UN action from presence Comm on spot have caused Dept to consider desirability of having similar commissions on duty in event aggression elsewhere. Possibility of aggression on Yugo border indicates desirability for SC to send fact-finding and observation group to area provided Yugo consent obtained. . . . While Yugo situation appears most critical at moment, Dept also considering similar action certain other sensitive spots, including possible SC or GA action to make Commissions available on short notice." (768.00/7-2050)

We assume Department's objectives as follows:

1. Promptest possible halting of Korean aggression and, as minimum, restoration status quo without prejudice to military necessities or expediency or achievement political objectives Korea by peaceful means after termination hostilities.²

2. Prevention spread elsewhere of conflict as a result new aggression or breach of peace.

3. In event objective number two not achieved, assurance that collective moral, political and material weight of UN can be brought to bear on breach of peace wherever it may occur.

promptly and effectively to bear in dealing with new aggression or

Since we cannot be sure where new Soviet-inspired thrust might take place we feel we must make every effort immediately (a) to deter by UN as well as by other practicable means any new Soviet adventures, and (b) to have UN prepared to deal as promptly and effectively as possible with outbreak of aggression anywhere.

Having in mind (a) foregoing assumptions and observations, (b) indication in last paragraph Deptel under reference that Department considering desirability establishing commissions other sensitive spots, and (c) SC's continuing responsibility for dealing effectively with any situation if any part of world which might in Charter terms be considered "likely to endanger the maintenance of international peace and security" (Article 34) or lead to a new "threat to the peace, breach of the peace, or act of aggression" (Article 39), we recommend for Department's consideration desirability having SC at earliest possible date establish SC commission with observation and visitorial authority (please refer Gross conversation with Rau, Usun 123, July).³

Such commission or committees thereof would be authorized by SC to visit or station observer groups in any area threatened with aggression or military hostilities.

Advantages, as we see it, of such commission are:

1. Because of broad terms of reference we would be able to avoid or at least minimize SC discussion or attempt to deal formally with any specific situation such as Yugoslavia or Formosa.

² For documentation on Korea, see volume VII.

³ Not printed. The Deputy U.S. Representative at the United Nations (Gross) reported a conversation with Sir B. N. Rau, Permanent Representative of India at the United Nations, on July 25, in which the two discussed on a personal basis the possible merits of having such a commission in certain danger areas. (330/7-2650)

In this way we feel we would be able to avoid or minimize showing our hand or creating unwarranted apprehensions in regard to any particular area.

2. At same time we feel that by this approach we might finesse political differences and complexities which would cause difficult and probably protracted negotiations with such governments as India, UK, France, etc., particularly with regard to Formosa.⁴

3. Finally, we feel that through finessing matter as indicated we would have better chance of broad SC support.

Creation of commission with broad terms of reference as envisaged would help serve admirably objective number three stated above as in case UNCOK.

In connection with establishing such commission we favor having SC in the resolution establishing commission call upon all governments and authorities concerned to refrain from any action which might endanger the maintenance of international peace and security or lead to new threat to peace, breach of peace, or act of aggression.

Such action SC on behalf of UN would accomplish two purposes:

1. Clear notice would be served on Soviet Union, its satellites and Chinese Communists without getting involved at this stage in problem of formal action, naming or implying that Soviet Union, etc. are guilty of aggression or intend aggression.

2. Basis would be laid for future SC action in event new outbreak of aggression without at this time committing either US or other government's (India, UK) to any specific commitment at this time as to nature or extent of any such future SC action with regard to any particular area.

In conjunction with foregoing it might be desirable to include in SC resolution a self-denying ordinance along lines suggested by Tsiang (Usun 29, July 6).⁵

Following are lines along which we envisage SC resolution might be formulated:

1. Reference to fact that SC on behalf of UN and in accordance with its responsibilities under chapter VII of Charter is acting to halt aggression against ROK.

2. Denial of any design for political, economic or territorial advantage from participation in UN effort in Korea (Tsiang's self-denying ordinance idea).

⁴ For documentation on Formosa, see vol. VI, pp. 256 ff.

⁵ This telegram is scheduled for publication in volume VII. Tsiang was the Permanent Representative of China at the United Nations.

3. Strong statement UN policy that political issues and differences, regardless of their character or geographic location, should be settled by pacific methods of settlement as provided in Charter.

4. Reference to primary and continuing responsibility of SC on behalf of UN for maintenance of international peace and security (Article 24-1).

5. Statement of determination to take appropriate steps to prevent spreading of conflict to other areas through development any situation anywhere in world likely to endanger maintenance of international peace and security or lead to new threat to the peace, breach of peace, or act of aggression.

6. To these ends and as first step, establishment of SC commission composed of members of SC approving resolution.

7. Authorize commission or committees thereof appointed by it to visit or station observers in any area where in opinion commission or SC a situation exists which is likely to endanger maintenance of international peace and security or lead to new threat to peace, breach of peace, or act of aggression.

8. Request commission to report to SC from time to time and to make such recommendations to SC as it may deem appropriate in interest maintaining peace and security and preventing spread of conflict or new act of aggression or breach of peace.

9. Authorization to SYG to provide necessary staff for commission and its committees, incur necessary expenses, etc.

10. Call upon all governments and authorities to cooperate with commission or committees thereof and to refrain from any action in any area of world which might endanger maintenance of international peace and security or lead to new threat to peace, breach of peace, or act of aggression.

We have in mind most desirable sponsorship resolution might be Egypt, India, and Yugoslavia.

In view information that Malik,⁶ exercising function as President SC August, has called meeting August 1, 3 p. m., we believe there would be constructive benefit from timing foregoing proposal ahead of any initiative by Malik.⁷ If proposal introduced before August 1 we and friendly governments SC would have this positive proposal to talk from rather than being in merely defensive position vis-à-vis Malik whatever his line may turn out to be. Also if such specific proposal were on table it would be best antidote to any phoney proposal Malik might make. The tabling of such a resolution would pose the issue squarely with USSR and confront them with necessity of showing world by their reaction to such resolution whether they really want peace.

AUSTIN

⁶ Y. A. Malik, Soviet Representative on the Security Council.

⁷ The Soviet Union had been absent from the Security Council since January 13, when Malik walked out over the issue of Chinese representation; for documentation regarding these matters, see pp. 186 ff.

330.1/7-2850 : Telegram

*The Secretary of State to the United States Representative at the United Nations (Austin)*¹

CONFIDENTIAL

NIACT

WASHINGTON, July 28, 1950—6 p. m.

72. Dept desires proceed in general along lines suggestion urtel 142 July 27. Pls consult soonest other appropriate SC dels on basis text of res which fols. Desirable to introduce for meeting Mon² if assurances sufficient votes for adoption. Desire wide co-sponsorship, if possible all those voting in favor. Sponsorship, including that of US left to your discretion.

Your suggestion on membership not adopted because such membership might affect balance and prestige of Commission. USSR probably will not serve. If they do they cannot veto. Their exclusion wld give them favorable propaganda opportunity and might affect unfavorably support some dels for proposal.

Suggestions by other dels on composition or other points shld be reported urgently.

Resolution follows:

DRAFT RESOLUTION OF UNITED NATIONS OBSERVATION GROUPS

VERBATIM TEXT

The Security Council

Affirming the principle of the Charter that international disputes should be settled by peaceful means, and mindful of its responsibility on behalf of the United Nations for the maintenance of international peace and security;

¹ Repeated for information to: Quito as 24, Cairo as 86, Belgrade as 81, Moscow as 85, Habana as 44, Taipeh as 84. Repeated for action to: London as 520, Paris as 518, Oslo as 62, New Delhi as 134, with the following additional paragraphs:

"For ur info. Fr., UK, and Norwegian Dels, at informal mtg. with USUN today, stressed gravity of decision inherent in this proposal and argued that such proposal would constitute illegal delegation of SC powers. In their view it would be an illegal circumvention of veto which at San Francisco, in 1945, was agreed to apply to appointment of SC commissions of enquiry. [See *Foreign Relations*, 1945, volume I.]

"Amb. Gross, on a personal basis, suggested to Fr., UK, and Norwegian Dels a device whereby when Commission rather than Council makes decision, Commission would report decision to SC prior to action. This would give SC opportunity to approve or reject Commission's decision.

"Dept has not yet considered this variant suggested informally by Amb. Gross. Info. regarding this is sent you for background in event FonOf raises matter."

On July 28 the Department cabled the following instruction to London, Paris, Oslo, and New Delhi: "Please take up with Foreign Office and urge prompt and favorable action." (telegram 533, to London, July 28, 330/7-1850; repeated for action to Paris as 528, to Oslo as 69, and to New Delhi as 142 and for information to the U.S. Mission at the United Nations (USUN), New York, as 74)

² July 31.

Desiring to take appropriate steps to maintain international peace and security;

Establishes a Security Council Fact Finding and Observation Commission composed of representatives of the States members of the Security Council;

Directs the Commission, or subcommissions appointed by it, to visit or station observers in any area where, in the opinion of the Security Council or of the Commission, such action would contribute to the maintenance of international peace and security; provided that the Commission or subcommissions shall not visit any state without its consent;

Requests the Commission to report to the Security Council as occasion may require;

Calls upon all Governments and authorities to cooperate with the Commission and to assist in the implementation of the present resolution;

Requests the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required in carrying out the terms of the present resolution.

ACHESON

330.1/7-2850: Telegram

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

SECRET PRIORITY

NEW YORK, July 28, 1950—11:48 p. m.

155. Reference urtel 54 of July 24,¹ mytel 142 of July 27 and Sandifer's² instruction telephoned to Hyde³ to explore affirmatively with friendly delegates plan for having commission similar to UNCOK on duty to report immediately to SC outbreak aggression anywhere.

At meeting with Norwegian, UK and French delegates initial reaction was that this plan is so important that nothing more than preliminary reactions could be obtained by Monday. All three felt that wider discussion (except for discussion with Indians) would be most undesirable in meantime because of possibility of leakage. All wanted to see a text before hazarding views in any detail and felt that quickest way to get reactions of their governments would involve discussions their Ambassadors in Washington and our Ambassadors at their foreign offices.

Jebb⁴ viewed plan as raising very grave issues. He thought that it might involve war or peace and a cabinet decision by his government. He was certain that the Soviet Union would not recognize the validity

¹ For information regarding telegram 54, see footnote 1, p. 303.

² Durward V. Sandifer, Deputy Assistant Secretary for United Nations Affairs.

³ James N. Hyde, USUN staff.

⁴ Sir H. M. Gladwyn Jebb, Permanent British Representative at the United Nations.

of the resolution and wondered about political wisdom of allowing Malik to say on his return to SC that the day before that body had attempted to abolish veto. Jebb himself doubted whether the SC could delegate the power to appoint a commission of investigation because in his view such decision by SC requires the concurring vote of the permanent members and therefore may not be delegated to a sub-committee which would act by majority vote. While he recognized that this plan would not commit his government to take action similar to Korean in all parts of the world, he thought politically it has strong tendency in that direction and he referred particularly to Formosa, wondering whether India would not have same objection. Gross stressed that the plan is simply to have facts available to base action to maintain and preserve peace and is not a step in any political solution of the problems of an area. It simply builds on the experience of having facts in Korean case. Jebb further questioned whether commission could recruit and send sub-group to troubled area in time for effective factual report. Also, debate in commission, although leading to simple majority vote or decision by seven, would take time. Jebb would hope to have preliminary reaction by Sunday but it would be far simpler to get reaction to plan providing for commission limited to Yugoslavian problem. If commission itself could not send sub-group to troubled area but recommend that to SC, it would avoid delegation of power problem but would largely destroy reason for having commission at all. On the sponsorship question, Jebb very much doubted that India or Yugoslavia would act as sponsor and was certain Egypt would not.

Chauvel⁵ emphasized Jebb's point that he doubted wisdom of bypassing SC by this delegation of power the day before the USSR returns. He feels that the commission would be a fully operating body that could take very important decisions without action by the SC itself. He raised particularly the political problems of such a commission, going to Formosa or Afghanistan. He thought it would be far simpler for his government to reach a decision on a commission for Yugoslavia.

Although Sunde⁶ did not comment, Stabell⁷ stressed the legal problem of delegation and read from part one of the Four Power Statement at San Francisco⁸ as indicating that the decision to create a

⁵ Jean Chauvel, Permanent French Representative at the United Nations.

⁶ Arne Sunde, Permanent Norwegian Representative at the United Nations.

⁷ B. Stabell, Alternate Permanent Norwegian Representative.

⁸ The Four-Power Statement on voting procedure in the Security Council was made on June 7, 1945, by the four sponsoring powers of the San Francisco Conference, namely, the United States, China, the Soviet Union, and the United Kingdom, and subscribed to by France; for text, see Department of State *Bulletin*, June 10, 1945, p. 1047. For documentation on the policy of the U.S. Government regarding the Four-Power Statement, see *Foreign Relations*, 1946, vol. 1, pp. 251 ff.

commission of investigation is substantive and therefore not to be delegated. He also mentioned the difficulty for his government of using the machinery of the commission in the event of hostilities involving Formosa and the Chinese Communists. He stressed the importance of the political decisions that the commission might make. At the conclusion of the meeting, Sunde stated that he is to see Bebler⁹ at eleven on Saturday, July 29, and would discuss this with him if the others so desire. Decision on this point was reserved until Saturday, a. m.

In presenting the proposal, Gross summarized the views contained in our 142 and stressed the Department's desire to press ahead with this. He indicated that we would make available at least the outline of a draft resolution as soon as available. He added, speaking personally, that he would like reactions to possible amendment which would limit a commission's initiative by requiring commission to report to SC in advance before sending group to any area, thereby giving SC opportunity to instruct commission not to take such action. He explained this would put us on the right side of the veto.

Gross pointed out this would, however, be substantial modification. Since it would invite SC debate which might increase tensions in particular case. He argued that Department plan in fact involves very limited delegation of authority, and that SC always had the commission on a short string if it wished to modify the plan or procedure under the plan.

He recalled his conversation with Rau reported in mytel 90 [123?] ¹⁰ which would limit this concept to a commission for Yugoslavia. He emphasized the fact that very often a state which is threatened might, in the early stages where the commission could be effective, fear to make a formal complaint to the SC. At the same time, he requested delegates to obtain governmental reactions to this alternative, stressing our strong preference for generalized plan.

Please relay to London 1; Paris 1, Oslo 1, New Delhi 1, Cairo 1, Taipeh 1, Habana 2, Quito 1, Belgrade 1, Moscow 1.

GROSS

⁹ Ales Bebler, Permanent Yugoslav Representative at the United Nations.

¹⁰ See footnote 3, p. 304.

330.1/7-3050: Telegram

The Ambassador in the Soviet Union (Kirk) to the Secretary of State

SECRET PRIORITY

Moscow, July 30, 1950—1 p. m.

238. USUN telegram 155, July 28.¹ While, as indicated Embtel 214,² Embassy fully supports desirability of establishing machinery to provide area fact finding UN commissions, in light of intervening

¹ *Supra*.

² July 27, not printed.

developments, including announced return of USSR to SC, but particularly apprehensions which have been aroused by proposal among our staunchest allies, we question whether it would be advisable to press for resolution this regard at tomorrow's session. Area commissions would, if on the spot or in vicinity, be able supply international corroboration of facts of aggression but, if aggression is overt attack by military forces as in case of Korea, fact will presumably be largely evident and corroboration contributed by UN commission, though useful, would seem less than sufficiently essential to warrant risking disruption free world solidarity in SC in accomplishing establishment.

Department pass USUN. Sent priority Department 238; repeated info USUN 32.

KIRK

330.1/7-3050 : Telegram

The Ambassador in France (Bruce) to the Secretary of State

CONFIDENTIAL

PARIS, July 30, 1950—9 p. m.

542. Re Deptels 518 and 528, July 28.¹ I saw Parodi² this subject yesterday and again today making strong plea for favorable attitude. Schuman³ is absent until Wednesday night but Parodi had discussed it with him. French attitude unfortunately characterized by great reserve as communicated noon today to Chauvel of which you no doubt already informed.

Department pass New York. Sent Department 542, repeated info USUN New York 3, London 160.

BRUCE

¹ See footnote 1, p. 307.

² Alexandre Parodi, Secretary-General of the French Ministry of Foreign Affairs.

³ Robert Schuman, French Minister of Foreign Affairs.

330.1/7-3050 : Telegram

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

SECRET PRIORITY

NEW YORK, July 30, 1950—9:08 p.m.

172. Niac Deptel 72, July 28. I discussed with SYG Lie¹ the Commission resolution on a confidential basis. His reaction was one of enthusiasm. However, he said he saw great advantage in proposing the Soviets co-sponsor the resolution. His analysis of situation, which he admits is most tentative, is that USSR is on an appeasement tack.

¹ Trygve Lie, Secretary-General of the United Nations.

Lie does not feel certain of this, of course, but he believes there is enough possibility to warrant an attempt on our part to discuss the matter informally with Malik prior to introduction of resolution. I expressed grave doubt such course would be useful. I expressed view our assumption has been any such resolution would be vetoed by Soviet and that we perceive great advantage to introduction of resolution on Monday before Soviet delegate launched his expected propaganda attack. Lie agreed it would be most useful to have such a resolution in effect and said that he thought the idea was extremely good and if in our judgment we could get resolution adopted on Monday it would be desirable to do so. He clung to idea of Soviet participation, saying that Soviet objection to many commissions and to Interim Committee had been based upon fact that they had not been established by SC.

I attempted to make clear our skepticism regarding USSR sponsorship of such resolution or their voting for it, or their participation in any commission that might be established pursuant to it.

At end conversation I repeated to Lie injunction to hold matter in strict confidence for present and he agreed to do so. My reaction is that Lie, if asked by any UN member, would strongly support resolution in its present form, and would privately express disagreement with any member opposed to it or reluctant to vote for it.

GROSS

330.1/7-3150: Telegram

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

SECRET PRIORITY

NEW YORK, July 31, 1950—10:35 a. m.

174. Deptel 72, July 28. On his return from Washington evening of July 30, Jebb (UK) informed Gross he and Franks¹ had seen Hickerson² in afternoon to discuss Commission resolution and to advise Department of UK Government doubts thereon. Jebb said Hickerson stressed our strong desire to table resolution, but not to do so if UK would ask for adjournment. Jebb reported that Hickerson urged him to request new instructions in event eight SC members favored resolution and that Hickerson had suggested Jebb communicate with Gross upon return to New York. Jebb requested latest appraisal situation as of 9 p. m. 30 July. Gross replied we had received indications that Egypt, Yugoslavia, Cuba, Ecuador, China and of course US would favor resolution on basis personal reaction delegations here, that we have not received word from French or Norwegian delegations and that India looked doubtful. Hence, Gross could not

¹ Sir Oliver S. Franks, British Ambassador to the United States.

² John D. Hickerson, Assistant Secretary of State for United Nations Affairs.

say at moment whether we would have eight votes. Gross added we were meeting with France, Norway and UK at 10 a. m., 31 July and he hoped to have word then.

Jebb said he had been advised that French Foreign Office has indicated to British Embassy Paris French opposition.

Jebb concluded by saying in light of his talk with Department, he would await further information July 31 a. m., before communicating with London. Jebb did not advise Gross of basis London doubts and Gross therefore did not discuss merits with him.

AUSTIN

330/7-3150 : Telegram

The Ambassador in India (Henderson) to the Secretary of State

SECRET NIACT

NEW DELHI, July 31, 1950—2 p. m.

252. Deptels 134, July 28 and 142, July 28.¹

1. Bajpai² Syg MEA told me noon today that Rau had been instructed to abstain from voting on any motion to set up commission for observing and reporting on aggression.

2. He added that in opinion GOI in case great emergency SYG UN had right to his own initiative to send out commission to ascertain facts. This commission would not have of course authority of one appointed by SC; nevertheless its findings should carry weight.

3. He hoped US would not think GOI decision this matter indicated it was not firm in opposition to aggression. It merely indicated that its judgment as to best manner opposing aggression might some times differ from that of US. For instance, Rau had been instructed to vote against any resolution which might tend to undermine effectiveness of any of three resolutions which have been passed by SC relating to Korea, including reappointing MacArthur Commander in Chief.³

HENDERSON

¹ See footnote 1, p. 307.

² Sir Girja Shankar Bajpai, Secretary-General of the Indian Ministry for External Affairs.

³ For documentation on these matters, see volume VII. The reference is to General of the Army Douglas A. MacArthur, United Nations commander in Korea.

330.1/7-3150 : Telegram

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

SECRET

WASHINGTON, July 31, 1950—2 p. m.

85. Gross from Hickerson. Confirming Telcon July 30, I saw Jebb and Franks yesterday afternoon and impressed upon them fact that

negotiations involving commission must continue to be carried on in NY. Jebb left for NY at 4:30 p. m.

British stated they had received tel written by Bevin,¹ with Prime Minister's approval, taking position that UK could not support such a resolution at this time; that it would involve straining the Charter, and that this could not be done the day before the USSR Representative was to return to the SC.

I told British we thought resolution was good idea but did not think it would be catastrophic if resolution did not go through. I said we would wish to have a substantial majority including UK if we pressed it, and that we would not seek a vote July 31 if no such majority appeared to be forthcoming. If on the contrary we did seem to have such a majority in prospect, we would ask UKDEL to telephone FONOFF and request them to reconsider their position.

I also referred to the possibility that we might table the resolution July 31 without pressing for an immediate vote. Again, I said we would do this only if we could count upon a substantial majority in favor of such a course, who would later support the resolution. If we decide upon this procedure, I said we would ask UKDEL to seek new instructions from FONOFF.

ACHESON

¹ Ernest Bevin, British Secretary of State for Foreign Affairs.

330.1/7-3150: Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

SECRET

LONDON, July 31, 1950—6 p. m.

659. Embtel 634. Embassy officer learned from Foreign Office that before instructions sent to Franks giving British view of proposed resolution to establish fact finding observation commission matter was discussed with Bevin. He was unwilling to take decision without consulting Prime Minister.¹ Matter was, therefore, laid before Prime Minister who decided that UK position could not be determined without Cabinet decision.

As British position already outlined to Hickerson by Franks it is not reported here. Following observations, however, of possible interest: View at working level Foreign Office is very strong that resolution is *ultra vires* and contrary to undertaking at San Francisco.² Passage of such resolution in absence of Soviet delegate, it is felt, would give Russians excellent propaganda material. British are

¹ Clement Attlee.

² A reference to the Four-Power Statement of June 7, 1945, on voting procedure in the Security Council.

therefore pleased with Hickerson's assurance that resolutions will not be pressed to vote on July 31.

UN Department is busily devising instructions to Jebb on various courses of action to meet hypothetical Russian moves in SC August 1.

DOUGLAS

330.1/7-3150: Telegram

*The Secretary of State to the Embassy in France*¹

SECRET

WASHINGTON, July 31, 1950—8 p. m.

555. Re Embtel 544, July 31.² Resolution on proposed SC Observation Commission not introduced SC July 31. Because of doubts some Dels suitability this procedure in relation SC it may not be pursued further in this body. Depts continuing study of matter also includes possibility its adoption in some form by GA for utilization in threatened emergencies where SC prevented from acting.

In circumstances unnecessary repeat USUN 142.

ACHESON

¹ Repeated to Taipei as 96, Habana as 51, Quito as 26, Cairo as 95, New Delhi as 152, Oslo as 78, Moscow as 90, London as 558, Belgrade as 85, and USUN as 92.

² Not printed. The Paris Embassy had indicated an interest in seeing USUN telegram 142 of July 27; see p. 303.

320/8-950: Telegram

*The Secretary of State to the Embassy in the United Kingdom*¹

SECRET

WASHINGTON, August 9, 1950—8 p. m.

732. Deptel 666, Aug 5.² In planning its program of action for forthcoming GA session, Dept is proceeding on assumption that aggression in Korea will be dominating political fact before GA and that subject of UN action against aggression will be uppermost in minds of delegates. Dept believes 5th GA will afford UN clear opportunity for gen assessment of position of Org in face of threat of Sov aggression at various points throughout world and is of opinion that 5th GA may offer unique opportunity, utilizing lessons and psychological impact of Korean crisis, to strengthen UN system in order to meet possible future cases of aggression. In Dept's view, future development and perhaps even existence of UN may depend on outcome its action in Korean crisis and on progressive evolution its machinery for preservation peace and security.

Bearing in mind Sov ability to obstruct operations of SC in cases of aggression, Dept is considering introduction in 5th GA of draft

¹ Repeated for action to Paris as 725 and for information to USUN as 126.

² See footnote 1 on p. 551.

res along fol lines as a major element in adapting UN machinery to new circumstances:

"The GA

Recognizing the obligations of Members of the UN with respect to the maintenance of international peace and security, as set forth in the Charter;

"Conscious of the fact that failure of the SC to discharge its primary responsibility for the maintenance of international peace and security on behalf of all the Member States does not relieve them of their obligations under the Charter;

"Resolves

1. That if the SC, because of the veto, fails to exercise its primary responsibility for the maintenance of international peace and security in case of a breach of the peace or an act of aggression, the GA shall consider the question immediately with a view to making appropriate recommendations to the Members for collective action, including the use of armed force, to restore international peace and security.

2. That for this purpose the GA shall, if not in session at the time, meet in special emergency session which shall be called by the SYG and convened within 24 hours of the receipt of a request from:

- a. Any 7 Members of the SC;
- b. Any Member of the UN, concurred in by a majority of the Members; or
- c. The IC.

3. That notwithstanding any provision to the contrary in its rules of procedure, the GA when meeting in special emergency session shall proceed to consideration of the subject for which the session has been convened immediately upon election of the President;

And, further, invites each Member to survey its resources with a view to determining the nature and scope of the assistance it may be in a position to render in accordance with any GA recommendation for the restoration of international peace and security."

We are also considering possibility include additional para appointing *ad hoc* comite of limited membership to study and report as a matter of urgency to IC on measures and methods of collective action consistent with Charter (including use armed forces) which GA might recommend to members in a given situation. However, our thinking on this aspect is still tentative and has not yet crystallized, either re UN machinery for study or possible lines along which study might proceed.

Pls explore foregoing with FonOff, indicating US approaching only UK and Fr at this time, and report reactions soonest.³

ACHESON

³ On August 10 a draft of this proposal was handed to Mr. Gerald Meade, a Counsellor of the British Embassy, by G. Hayden Raynor, United Nations Adviser, Bureau of European Affairs, who then "went over" the draft with

330.1/8-1150: Telegram

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

CONFIDENTIAL

WASHINGTON, August 11, 1950— 8 p.m.

137. Deptel 72 July 28.¹ Consultations on basis of Dept draft resolution for estab of SC Fact-Finding and Observation Commission disclosed negative attitude on part of number of members including UK, France, India, and Norway. Objections by these members were directed primarily against delegation by SC of decision to investigate which under San Francisco Statement is subject to veto. Dept now considering a proposal for estab of GA Fact-Finding and Observation Commission which wld avoid these legal problems and which in our view might accomplish at least to some degree the purpose of the original proposal. Tentative draft of this proposal follows:

"The GA

[Preamble] ²

Establishes a GA Fact-Finding and Observation Commission composed of the Reps of (9 Members) for the purpose of ensuring immediate and independent observation in and reporting from any area in which internatl tension or internatl conflict develops;

Authorizes and requests the IC of the GA to dispatch the Commission or subcommission (subcommissions) thereof or observers to be selected by the Commission to any area where the IC deems their presence useful in order to carry out the purpose of the present Resolution;

Requests Comm to report as directed to GA, or IC, or bring its report to attn of SYG of UN with a view to transmittal to SC.

Directs the IC, in the performance of its duties under the present Resolution, to observe its terms of reference as set forth in Resolution 295 (IV), provided however that all decisions of the IC in application of the present Resolution including those taken under Para 2 (b) and 2(e) of Resolution 295(IV) shall be made by a majority of members present and voting.

Meade (memorandum of conversation by Raynor, August 10, 330/8-1050). On August 11, at New York, John C. Ross, Deputy United States Representative on the Security Council, handed drafts separately to Sir Gladwyn Jebb and Ambassador Jean Chauvel, indicating "that this draft should be considered largely in the nature of a working paper and as an effort to get down in tangible form some of our thinking on the question of strengthening the organization and procedures of the United Nations for dealing with aggression. . . . we . . . would appreciate any views they might care to communicate." (memorandum of conversation by Ross, August 11, Files of the Reference and Documents Section of the Bureau of International Organization Affairs (hereafter cited as IO Files), Doc. US/A/2370)

¹ See p. 307.

² Brackets appear in the source text.

Recommends to all Govts and authorities that they cooperate with the Commission and assist in the implementation of the present Resolution;

Requests the SYG to provide the necessary staff and facilities utilizing where appropriate the UN Panel of Field Observers envisaged in Resolution 297(IV)B, and to make appropriate arrangements for the supply of funds required in carrying out the terms of the present resolution."

You will note if established, Commission could be dispatched to any troubled area either by GA itself or by IC. In applying this resolution IC will be bound by all the safeguards and limitations imposed upon it by its terms of reference except that the $\frac{2}{3}$ majority requirement for its decisions will be waived. Under IC terms of reference it will still be necessary to propose for inclusion on the agenda of the GA the situation concerning the area to which the Commission is to be dispatched; it will further be necessary for state to whose terr the Commission is to proceed to give its consent; moreover, the matter must not appear on list of items of which SC is seized and dispatch of Comm must not interfere with duties of other organs. Provision for reporting to SYG for transmission to SC follows precedent of Res 292(IV) re Chi case. Such provision might help counter argument that we are seeking bypass SC.

Above proposal might be corollary to proposal for strengthening UN system in order to meet possible future aggression set forth in Deptel 732 to London (rptd Paris 725, USUN 126).³

You are requested to discuss above draft on informal and tentative basis with such Dels whose views in your discretion might be helpful in the crystallization of Dept's position. We are particularly interested in reactions of those friendly members of SC with whom you discussed proposal contained Deptel 72 and of key Dels of LA countries. You will recall (Usun 165 and 166 Jul 29⁴) Fawzi Bey of Egypt was particularly interested this matter.⁵

ACHESON

³ August 9, *supra*.

⁴ Neither printed.

⁵ On August 16, G. Hayden Raynor, United Nations Adviser, Bureau of European Affairs, reviewed the proposed resolution on the establishment of a fact-finding commission with two officers of the British Embassy (Messrs. Gerald Meade and K. D. Jamieson). Raynor expressed the hope of the Department "that in considering this and other resolutions of this type that the Foreign Office would not study them from a legalist or technical angle but would take into account the present serious conditions in the world and the extreme importance of strengthening the UN so that it can more effectively deal with these questions." (memorandum of conversation by Raynor, August 16, 320/8-1650)

320/8-1450 : Telegram

The Ambassador in France (Bruce) to the Secretary of State

SECRET

PARIS, August 14, 1950—8 p. m.

799. ReDeptel 725 August 9, sent London 732, repeated USUN 126. Although definitive French reaction will not be available before Wednesday, FonOff has furnished preliminary views which are result extensive discussions up to level of Parodi. Embassy therefore believes definitive position will not differ substantially.

From political point of view, FonOff is inclined to consider proposed resolution inopportune since it would place us, in their opinion, in position of "predicting" renewed aggression and making procedural arrangements "before anything has happened." Although they recognize that purpose of resolution would be also to discourage such aggression by demonstrating in advance that means exist to prevent hamstringing of UN by veto, they nevertheless, from overall political viewpoint, doubt usefulness of proposed action at this time.

From legal point of view, central question is whether resolution would conflict with article 12 of charter (which prevents GA from making recommendations re any dispute or situation while subject is on SC agenda). Perhaps SC could, if action is blocked by veto, decide by affirmative vote of 7 members (without possibility of veto, since this would be procedural matter) simply to remove item from agenda in which case it would be proper for GA to deal with it. This is question on which FonOff would be interested in having our comments.

Now, if one considers that conflict with article 12 exists, French would view draft resolution unfavorably because of such conflict. If, on other hand, one considers that no conflict exists and that SC could properly divest itself of item of agenda when there is deadlock, then proposed resolution would be unnecessary and French would oppose it on those grounds. The element contained in it which bears on relationship to article 12, namely convocation of GA on 24 hour notice, could be dealt with by simple change in rules, without need for any GA resolution. FonOff emphasizes these views are preliminary only and that it anxious to discuss matter further in the light of any comments or additional observations from Department.

Department pass USUN, sent Department 799, repeated info London 232, USUN 6.

BRUCE

320/8-1650 : Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

SECRET

LONDON, August 16, 1950—7 p. m.

997. ReDeptel [732] August 9 proposed resolution strengthen GA against aggression present thinking working levels Foreign Office as follows:

1. Foreign Office not sure resolution on suggested lines necessary. Argues that (1) GA already has broad powers—is specific strengthening useful, (2) suggested resolution appears too much like “moral evasion” of Charter although probably legally firm, (3) problem of determining exactly when SC has “failed to exercise its primary responsibility” would be most difficult, even with Department phrase “because of the veto”.

2. Foreign Office states that it does not share French qualms about “worsening international situation” (French have been to see them several times) but does not believe it wise to make overly elaborate attempts to cope with difficulties arising from charter when “more subtle” approach might be more successful.

3. “Subtle approach” Foreign Office considering is simple amendment GA rules of procedure to allow for convening GA on 24 hours notice at request of any member UN concurred in by majority of members when crisis breaks. For example, at outbreak of aggression, member could request immediate session and “friendly nations” could be immediately lobbied to get consent. GA could then meet and pass necessary recommendations. In meantime “friendly” members SC could prevent SC putting item on SC agenda on grounds that GA already dealing with situation. Above represents tentative thinking UN and Legal Departments but has not yet been passed on by higher levels of Foreign Office. In meantime active consideration being given to US resolution but pressure business has prevented full high level consideration of matter as yet, although UN department is trying to expedite such consideration.

Comment: Foreign Office thinking on lower levels appears conditioned considerably by desire to avoid “bluntness” (Foreign Office’s word) of US approach and to avoid rushing resolution through Assembly about which there may be later doubts. Foreign Office admits that its proposal to amend rules of procedure would run into such practical difficulties as lobbying quickly enough to get majority GA to agree but counters that practical difficulties would be equally great with US resolution. Also admits that move to amend rules of procedure might provoke as acrimonious a debate as US resolution. (Despite assertion they do not share French qualms they appear reluctant at prospect any more overt anti-Soviet moves than absolutely necessary.) As to form which proposed resolution amending rules of procedure might take, Foreign Office says it would be necessary to

find out from SYG what he conceives his powers to be, referring to Lie's report. Should be emphasized that this is preliminary British thinking only, not British reply, and US resolution has not yet received full Foreign Office consideration.

Sent Department 997, repeated Paris 249.

DOUGLAS

320/8-2350 : Telegram

*The Secretary of State to the Embassy in the United Kingdom*¹

SECRET

WASHINGTON, August 23, 1950—7 p. m.

1001. I. Certain major problems re forthcoming GA discussed at tripartite mtg US-UK-Fr dels Aug 21.² US presented fol tentative proposals for strengthening UN machinery:

- 1) Special emergency session GA (Deptel 732 rptd Paris 725).
- 2) Fol additional provision in above res with appropriate modifications paras 4 and 5: "GA recommends to its Members they designate within their natl armed forces UN Unit which cld be so trained and equipped as to be available for prompt service on behalf of UN upon decision of SC or recommendation of GA.

"In order assist Member States in establishment, training and equipping such UN Units, GA hereby appoints coordinator to act on its behalf in order consult with Member States who wish to establish such units and to coordinate their planning. Salary of Coordinator shall be paid from regular budget of UN and he shall be provided by SYG with staff and assistance necessary for effective accomplishment of his tasks." (This presented on very tentative basis and precise language is being developed.)

- 3) Fact-Finding and Observation Comm (Deptel 785 rptd Paris 769).

We also raised possibility creation UN Legion but stated that in view practical difficulties we did not think GA shld at this session take final action establish permanent Legion. Moreover, above suggestion for designation UN Units natl forces might be said offer more simple method fulfilling same purpose. However we continuing study possibility GA planning for some type of legion that might be used in post hostilities phase Korea with question expressly left for later decision whether such force shld be made permanent part of UN machinery.

We made clear that notwithstanding emphasis on Korean situation and on above program of defense against aggression we did not think we shld abandon, nor give impression in GA that we are abandoning

¹ Repeated for action to Paris as 933 and for information to USUN as 180.

² Documentation on these and related meetings is scheduled for publication in volume III.

long-term constructive UN efforts on improvement economic and social conditions, etc. UK and Fr heartily agreed.

Although without instructions, attitude UK and Fr dels above program more favorable than preliminary reactions from FonOff as reported London 997 rptd Paris 249 and Paris tel 799 rptd London 232. They did not raise legal points reported reftels, although they were inclined interpret proposals as more farreaching than we had in mind.

UK and Fr dels seeking instructions and we agreed meet again Mon Aug 28.

II. In discussion these matters with FonOff you shld emphasize we feel strongly opportunity this GA shld not pass without taking some action along foregoing lines. Suggest fol genl points be stressed in order seek promote broader, more constructive attitude on part UK and Fr.

1) In our view UN Charter was conceived in broad terms as framework to be filled in by precedents and practice and we regard UN machinery created by it as flexible and capable of adaptation to changing realities without altering letter or spirit of Charter.

2) Inability SC to act in face of aggression because of veto does not of course relieve members of their obligations under Charter and in sense imposes an obligation to seek means through GA or other machinery of coping with situation where SC has failed. Thus in present circumstances it is clear GA will be required to play greater role in maintenance international peace and security than heretofor. Obvious SC was able act in Korean crisis only because of Sov absence.

3) As indicated Deptel 732 repeated Paris 725 we believe 5th GA offers unique opportunity capitalize psychological impact Korea crisis in order better equip GA to carry out this task.

4) Steps to strengthen ability UN meet possible future aggression are as much a part of basic approach of building situation of strength throughout world as is strengthening West Eur mil defenses on which we now jointly devoting so much effort.³ Possible deterrent effect on potential aggressor is factor not to be overlooked.

5) Specific proposals outlined above represent minimum steps which in our view shld be taken. They do not increase powers GA, nor seek supplant SC by GA nor increase obligations of members to take any particular action in any particular case. Suggested improvements in procedures do not operate automatically.

6) We convinced, despite UK and Fr initial doubts at this point, proposals along above lines will receive broad support in GA and desire submit them jointly with UK and Fr perhaps others.

Comments re specific points raised by Fr (Paris 799 rptd London 232) and by UK (London 977 rptd Paris 249) contained separate tel.

ACHESON

³ Documentation on this subject is scheduled for publication in volume III.

320/8-2550 : Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

SECRET

LONDON, August 25, 1950—7 p. m.

1215. UN Department, Foreign Office today orally advised Embassy nature of instructions being sent to Washington and New York re suggested GA resolution to provide calling an emergency session GA in cases of aggression. Substance British views as follows:

1. UK agrees with US that Soviet use of veto must not be permitted to stalemate UN in cases of aggression.

2. British feel, however, safeguards provided by veto are useful since at some future date UK might need veto to protect own basic interests.

3. In addition UK hesitant to give initiative to GA to act as contemplated in US resolution because of size of and occasional irresponsibility of GA.

4. UK view is that GA's powers are implicit, therefore, it is not necessary and perhaps not desirable to spell out GA powers by such resolution.

5. UK would suggest, instead of suggested resolution, an amendment of GA rules of procedure to make possible summoning assembly on immediate notice when majority of members concur assembly meeting necessary. When Embassy pointed out that physical difficulties of getting immediate action among so large a group would be great Foreign Office added that probably there would be no serious objection to some sort of provision in suggested amendment of rules which would make it possible for summoning Assembly at request from any seven members of SC. (This idea is not mentioned in British telegram to New York and Washington.) As for idea of having IC summon Assembly, to get a majority of IC would require getting concurrence of almost as many members as to get a majority of GA and Foreign Office does not think there would be much practical advantage in using IC.

6. British do not like idea of additional paragraph appointing *ad hoc* committee to study and report to IC on measures and methods of collective action which GA might recommend to members in given situation.

7. British still considering suggested additional provision (Deptel 1001) concerning GA recommendation to members to designate within national armed forces UN unit to be available for prompt service on behalf of UN. This provision requires consultation with top military authorities.

Embassy pointed out to Foreign Office that reply would disappoint Department and outlined consideration given in Deptel 1001. Foreign Office amplified own views as follows:

On points 2 and 3, real points of substance, the Foreign Office does not feel it wise to let the initiative slip into the hands of GA since if GA were to pass "some fire-eating resolution" at later date the great

powers who would bear major responsibility for implementing such resolution might not have the freedom of action they felt their national interests dictated. Examples used were Yugoslavia and Formosa. In Foreign Office view the UK suggested amendment of rules of procedure will make emergency action "permissive" whereas suggested US resolution will tend to make it "mandatory". Foreign Office in drafting suggested amendment to rules of procedure would feel it necessary to put in some sort of definition of types of action for which such session might be called—aim here appeared not so much to limit GA's action as to make sure that assembly not called together for reasons which were not good and sufficient.

Foreign Office also thinks that simple amendment rules of procedure would be less directly provocative to UK aim than suggested US resolution and would be less open to possible Russian charges of "attempting to amend" the charter.¹

DOUGLAS

¹ Simultaneously on August 25 Mr. Gerald Meade of the British Embassy handed to Assistant Secretary Hickerson the paraphrase of a telegram from the Foreign Office setting forth the British position. The record of conversation reads in part: "[Mr. Hickerson] reiterated the importance we attach to GA action along this line. He pointed out that the risks of undesirable GA recommendations which the UK appeared to see in the proposal are all risks inherent in the GA as an organ under the Charter and that, since the proposal would not alter or increase the powers of the GA, it would in no way increase those risks. . . . Mr. Hickerson emphasized that the proposal merely seeks in a dramatic way to do nothing more than to change the rules of procedure. Mr. Hickerson indicated that, of course, we do not want to drive the Russians out of the UN nor give them a good excuse for leaving and that in his view this proposal would do neither. He added, however, that it is clear that so long as they are in the UN an amendment to the Charter is impossible and we must therefore operate within it in making the machinery as effective as possible. We dissented strongly from the point of view that the proposal would weaken the power of the veto. We argued against the suggestion . . . that an undramatic amendment of the rules of procedure would be as satisfactory. . . . Mr. Hickerson urged Mr. Meade that in the light of these general considerations, of the strong US feeling on the matter and of the relatively mild nature of the proposal the UK should reconsider its position." (Memorandum of conversation by Ward P. Allen, Special Assistant on United Nations Affairs, Bureau of European Affairs, August 25, 320/8-2550)

320/8-2550 : Telegram

*The Secretary of State to the Embassy in the United Kingdom*¹

SECRET

WASHINGTON, August 29, 1950—7 p. m.

1102. Re London's 1215 Aug 25 and Paris 988 Aug 26. FYI and possible use in discussions FonOff re US three-part proposal for united action against aggression, fol is summary US-UK-Fr discussion this

¹ Repeated to the American Embassy, Paris as 1041.

matter held NY Aug 28 with Jebb and Chauvel, spokesmen for UK and Fr and Asst Secy Hickerson for US:

[Here follows paragraph 5 (pages 4, 5, 6, 7) of telegram 386 from New York, August 28, which is scheduled for publication in volume III. Summarizing, neither Chauvel nor Jebb had instructions yet from their governments and could speak only in a preliminary way. Chauvel was persistent in seeing the United States program as converting the United Nations into "an apparent anti-Comintern [*Cominform*] alliance"; it would be better to effect such a grouping outside the United Nations. Hickerson discussed the American view along lines stated by him to Mr. Gerald Meade of the British Embassy on August 25 (see footnote 1 to telegram 1215, *supra*). Both Chauvel and Jebb expressed concern regarding the proposal to designate United Nations units within national military forces and to appoint a United Nations Coordinator (see Part C of State Department Position Paper of September 1, entitled "A Program of United Nations Action To Stop Aggression", page 327). Hickerson sought to make clear that there was no military commitment for automatic action; and there was agreement to consider language changes to make this clear. Hickerson gave assurance that there was no intention to set aside Article 43 of the Charter and the machinery of the Military Staff Committee (MSC) of the Security Council and that the military section of the United States proposals was a "purely interim measure."]

ACHESON

320/8-1650 : Telegram

The Secretary of State to the Embassy in the United Kingdom

SECRET

WASHINGTON, August 30, 1950—5 p. m.

1117. Re Paris tels 799 Aug. 14, 828 Aug. 16, 988 Aug. 26, and London tel 997 Aug. 16.¹ One objection against Dept's draft res on GA emergency special session is, according to UK FonOff, great difficulty determining when SC has "failed to exercise its primary responsibility" even when phrase "because of the veto" is included. Dept believes such difficulty wld not arise. Our proposal envisages SC consideration of a Chapter VII problem followed by one or more Soviet vetoes. GA cld not, of course, make recommendations while SC exercised functions regarding problem unless SC requested GA recommendation (Article 12, UN Charter). It wld therefore be necessary for SC drop problem from agenda before GA cld recommend. We believe this procedural vote of Council to delete item from own

¹ Paris telegram 828, August 16, not printed.

agenda wld furnish clear indication of when SC, because of veto, has "failed to exercise its primary responsibility".

SC's removal of item from agenda is procedural decision not subject to veto. This is made entirely clear by Paras 2 and 4, Part I, 4-Power Statement at San Francisco. SC has in past operated this basis. For example, after successive Soviet vetoes were cast during summer 1947 on substantive resolutions Greek case, Council decided in procedural vote of 9-2 remove Greek question from SC agenda. View Charter, 4-Power Statement, and usage, it could not be maintained that removal item from agenda is substantive decision. If USSR shld so claim, and attempt invoke double veto, purported double veto cld not be given effect and shld be over-ridden, since obviously Para 2, Part II, 4-Power Statement does not apply to matter long since determined procedural.

Once SC has removed item from own agenda, Art 12 Charter presents no bar to GA recommendations. Even without SC removal from agenda (or SC request to GA for recommendations) GA can consider and discuss matter being dealt with by Council; the stage of recommendation alone is prohibited to Assembly under Art 12. Consequently, Dept's proposal raises no question Charter amendment.

Fr FonOff preliminary reaction expressed view that, if Dept's proposal presents no conflict with Art 12, proposal wld be unnecessary since objective emergency special session cld be achieved by simple change GA Rules. We disagree this conclusion for reasons set forth Deptel 1001, Aug 23 to London (933 to Paris; 180 to USUN) and in NY conversations with Fr and UK Dels Aug 21 and 28. Summary latter being sent separate tel.²

Request you transmit above views to FonOff as appropriate, in answer their inquiries reported reftels.

ACHESON

² See telegram 1102, August 29, *supra*.

320/9-150 : Telegram

The Chargé in the United Kingdom (Holmes) to the Secretary of State

SECRET

LONDON, September 1, 1950—4 p. m.

1334. Deptel 1117, August 30. Department's views as expressed reftel made known to Foreign Office this morning.

Off-the-cuff reaction was that while UK in general found US views unexceptionable, there was little essentially new in Department's plan. UK would still prefer GA assembled without fanfare in order avoid

unnecessarily annoying USSR and perhaps other nations as well. UK position, it was felt, would be shared by other friendly nations including Benelux group.¹

Embassy hopes discuss matter with Foreign Office in greater detail near future.

HOLMES

¹ In his despatch No. 624, September 11, the Ambassador in France (Bruce) reported in some detail the reaction of the French Foreign Ministry to the legal argumentation set forth in the Department's telegram of August 30. The French position at that point seemed to be that whereas the U.S. proposals were probably not in conflict with Article 12 of the Charter, "they are likely to be considered in conflict with the spirit of Article 11 which is deemed to have been designed to limit the GA's possibilities of independent action." (320/9-1150)

IO Files : SD/A/C.1/327

Position Paper Prepared in the Department of State

SECRET

[WASHINGTON,] September 1, 1950.

A PROGRAM OF UNITED NATIONS ACTION TO STOP AGGRESSION

(Prepared for and used in US-UK-French official discussions prior to September Foreign Ministers' Meeting)¹

DISCUSSION

The forthcoming General Assembly session will open at a critical moment in the history of the United Nations. Through the accident of Soviet absence from the Security Council, and with an impetus stemming principally from the United States, the Organization, with the unanimous support of the free world, has faced up to aggression in a manner hardly believed possible by its strongest supporters. In September, for the first time since hostilities began in Korea, the entire membership of the United Nations will meet to consider its future policy. The Assembly may seize the opportunity to capitalize on recent developments by strengthening the United Nations' capacity and reaffirming its determination to cope with aggression; or it may shrink from this task and lose a unique chance to consolidate its newly found strength. As it was at the outset of the Korean affair, the attitude of the United States can be decisive.

¹ This paper in this form and with the date of September 1 constituted an instruction to the United States Delegation to the Fifth Regular Session of the General Assembly, scheduled to convene in New York on September 19. It is not clear when the paper was actually drafted, and it may have been at hand for the discussions with the British and the French on August 21 and August 28 and so then could have become available to the British and French Governments for study. For the September meetings with the British and French, see the editorial note, *infra*.

It is submitted that the United States, in its own national interest as well as in the interest of the Organization, should press vigorously for adoption by the General Assembly of a program of united action to stop aggression. It should do so with the support and joint action of the British and French wherever possible, but should not be deterred by hesitancy on the part of one of them if broad approval for United States proposals can be obtained from the Assembly's membership as a whole.

RECOMMENDATION

That the United States support, in the General Assembly and in the discussions with other delegations prior thereto, the adoption of a resolution by the General Assembly along the following lines:

Recognizing the obligations of Members of the United Nations with respect to the maintenance of international peace and security as set forth in the Charter,

Recalling its Resolution 290 (IV) entitled "Essentials of Peace", and in particular the second and third paragraphs of that Resolution in which the General Assembly called upon all nations "to refrain from threatening or using force contrary to the Charter" and "to refrain from any threats or acts, direct or indirect, aimed at impairing the freedom, independence or integrity of any State, or at . . . subverting the will of the people in any State",

Conscious that failure of the Security Council to discharge its primary responsibility for the maintenance of international peace and security on behalf of all the Member States in no way relieves Member States from their obligations under the Charter, and

Mindful of the role of the General Assembly and the importance of its contribution in the field of international peace and security in order to carry out the principles and purposes of the Charter,

—A—

Resolves

1. That if the Security Council, because of the veto, fails to exercise its primary responsibility for the maintenance of international peace and security in case of a breach of the peace or an act of aggression, the General Assembly shall consider the question immediately with a view to making appropriate recommendations to the Members for collective action, including the use of armed force, to restore international peace and security;

2. That for this purpose the General Assembly shall, if not in session at the time, meet in special emergency session which shall be called by the Secretary-General and convened within 24 hours of the receipt of a request from:

- a. any seven members of the Security Council;
- b. any Member of the United Nations, concurred in by a majority of the Members; or
- c. The Interim Committee

3. That notwithstanding any provision to the contrary in its rules of procedure, the General Assembly when meeting in special emergency session shall proceed to consideration of the subject for which the session has been convened immediately upon election of the President;

—B—

The General Assembly

Establishes a General Assembly Peace Reconnaissance Commission composed of Representatives of (9 Members) for the purpose of ensuring immediate and independent observation in and reporting from any area in which international conflict or serious international tension develops;

Authorizes and requests the Interim Committee of the General Assembly to dispatch the Commission or a subcommission thereof or observers to be selected by the Commission to any area where the Interim Committee deems their presence useful, upon the invitation or with the consent of the State into whose territory the Commission would go.

In the performance of its duties under the present Resolution, the Interim Committee shall act in accordance with its terms of reference as set forth in Resolution 295 (IV) except that its decisions shall be made by a majority of members present and voting;

Recommends to all governments and authorities that they cooperate with the Commission and assist in the implementation of the present Resolution;

Requests the Secretary General to provide the necessary staff and facilities utilizing where appropriate the United Nations Panel of Field Observers envisaged in Resolution 297 (IV) B.

—C—

The General Assembly

Invites each Member of the United Nations to survey its resources in order to determine the nature and scope of the assistance it may be in a position to render in accordance with any United Nations action for the restoration of international peace and security;

Recommends to the Members of the United Nations that, pending the creation of the armed forces provided for under Article 43 of the Charter, each Member designate within its national armed forces a United Nations Unit or Units, to be so trained and equipped as to be available for prompt service on behalf of the United Nations upon determination by the Security Council or recommendation by the General Assembly;

Appoints _____ as United Nations Military Coordinator to consult on its behalf with the Member States who wish to establish such units and to assist them in the organization, training and equipping of such Units;

Establishes an *Ad Hoc* Committee consisting of representatives of _____ to study and report to the General Assembly on means which the United Nations might employ through collective action—including the use of armed force—in order to carry out the purposes and principles of the Charter;

Directs the *Ad Hoc* Committee in particular to study the questions of (a) measures not involving the use of armed force which might be taken by United Nations Members collectively, and (b) methods for the collective use of United Nations Units established or to be established by Member States;

Authorizes payment of the Coordinator's salary and expenses from the regular budget of the United Nations; and

Requests the Secretary General to furnish the Coordinator and to the *Ad Hoc* Committee the staff and assistance necessary for the effective accomplishment of their respective tasks.

Editorial Note

Following upon the meetings of August 21 and August 28, Assistant Secretary Hickerson met with Sir Gladwyn Jebb and Ambassador Chauvel and advisers in New York for a third time on September 6. At this meeting Jebb reported *inter alia* that the British Cabinet had considered the U.S. program for stopping aggression in its three component parts and had reached certain decisions given to him by phone that day:

"(A) UK cannot support proposal for convocation special emergency session GA on 24-hours notice and urges US not put forward. Believes that if necessary same result could be reached by simple amendment rules of procedure. Although UKDel has not yet been given reasoning behind decision, Jebb believes UK fearful that proposal would in practice result in enlarging GA powers by inviting and encouraging it to take action it might not otherwise take in situations where it might not be in interest western powers. . . .

"(B) UK agrees second part US proposal for establishment peace reconnaissance commission, although does not see any great benefits to be derived from it. . . .

"(C) UK hopes to be able support US proposal that members survey resources and designate UN units in armed forces for UN service. This will be considered again by UK cabinet September 11."

Chauvel indicated that he had no instructions from Paris on the French position, but believed it more or less similar to that of the United Kingdom. Hickerson expressed regret at the British position and referred to a great interest in the United States Congress for some action to strengthen the United Nations. The Assistant Secretary reserved the right of the United States to proceed with its proposals without British or French support. (New York telegram 467, September 6, 9:51 p. m., 396.1—NE/9-650; text is scheduled for publication in volume III.)

The United States program was on the agenda for the tripartite ministers' meetings on September 12-14 and September 18-19 as Item I-A, "The strengthening of United Nations procedures for dealing

with aggression." The only discussion that occurred, however, was at the official level on September 16, when the British and French indicated they would prefer the question not to go to the Ministers since discussions were continuing on the matter at the United Nations-delegate level and the problems were extremely technical. Apparently this view prevailed, although the United States official, Ambassador Jessup, pressed for consideration "at least briefly" because the proposals were "the central point" in the whole General Assembly program of the United States. Presumably the draft of the United States proposals that was under reference in this discussion was the revised draft resolution which appears in USUN telegram 507, September 12, *infra*.

611.001/9-1250 : Telegram

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

SECRET PRIORITY NEW YORK, September 12, 1950—3:29 p. m.

507. USUN 504.¹ Following is revised draft resolution on united action against aggression embodying ideas agreed upon ad referendum by US and Canadian representatives. UK representative agreed that this should be done although their instructions not yet arrived.

"*Recognizing* that the first purpose of the UN is 'to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace';

Recalling its Resolution 290 (IV) entitled 'Essentials of Peace', and in particular the second and third paragraphs of that resolution in which the GA called upon all nations 'to refrain from threatening or using force contrary to the Charter' and 'to refrain from any threats or acts, direct or indirect, aimed at impairing the freedom, independence or integrity of any state, or at . . . subverting the will of the people in any state';

Recognizing that in order to ensure prompt and effective action by the UN, its member states, in the Charter, conferred on the SC primary responsibility for the maintenance of international peace and security, and agreed that in carrying out its duties under this responsibility the SC acts on their behalf;

Aware that experience has demonstrated that there is danger that the SC may be unable to exercise in respect of a dispute or situation this primary responsibility assigned to it in the Charter;

¹ Not printed.

Conscious that failure of the SC to discharge this primary responsibility on behalf of all the member states does not relieve member states from their obligations under the Charter to maintain international peace and security;

Desiring that in such circumstances the GA may be able to consider the question immediately with a view to making appropriate recommendations to members for collective action, including when necessary the use of armed force, to restore international peace and security;

The GA

1. *Resolves* that if the SC, because of lack of unanimity of the permanent members fails to exercise its primary responsibility for the maintenance of international peace and security in case of a breach of the peace or an act of aggression, the GA shall consider the matter immediately and, if not in session at the time, shall meet in special emergency session which shall be called by the SYG and convened within 24 hours of the receipt of a request from

(a) Any seven members of the SC;

(b) Any member of the UN, concurred in by a majority of the members expressed through the IC or otherwise;

2. *Adopts* for this purpose the revisions in its rules of procedure set forth in the annex to this resolution.

The GA

3. *Establishes* a GA Peace Patrol Commission composed of representatives of (9-14 members) which the GA may despatch for the purpose of ensuring immediate and independent observation in and reporting from any area in which international tension develops the continuance of which is likely to endanger the maintenance of international peace and security;

4. *Authorizes* and requests the IC of the GA to dispatch the commission or a sub-commission thereof or observers to be selected by the commission to any area where in the view of the IC such tension exists, upon the invitation or with the consent of the state into whose territory the commission would go.

In the performance of its duties under the present resolution, the IC shall act in accordance with its terms of reference as set forth in Resolution 295 (IV);

5. *Recommends* to all governments and authorities that they co-operate with the commission and assist it in the performance of its functions;

6. *Requests* the SYG to provide the necessary staff and facilities utilizing where directed by the commission the UN panel of field observers envisaged in Resolution 297 (IV) B.

The GA

7. *Invites* each member of the UN to survey its resources in order to determine the nature and scope of the assistance it may be in a position to render in accordance with any UN action for the restoration of international peace and security;

8. *Recommends* to the members of the UN that, pending the creation of the armed forces provided for under Article 43 of the Charter, each member designate within its national armed forces a UN unit or units, to be so trained and equipped that they could be made available for prompt service on behalf of the UN upon determination by the SC or recommendation by the GA;

9. *Requests* the SYG of the UN to appoint, with the approval of the *ad hoc* committee provided for in paragraph 10 a UN military adviser to consult with the member states who wish to establish such units to assist them in the organization, training and equipping of such units;

10. *Establishes* an *ad hoc* political committee consisting of representatives of ——— and directs that committee in consultation with the SYG and with the UN Military Adviser to study and report to the GA on means which the UN might employ through collective action, including the use of armed force, in order to carry out the purposes and principles of the Charter, and in particular, to study and report on:

(a) Measures not involving the use of armed force which might be taken by member states collectively;

(b) Methods for the collective use of UN units established or to be established by member states; and

(c) Methods for the early establishment of a UN police division of volunteers recruited individually by the UN.

11. *Authorizes* payment of the Military Adviser's salary and expenses from the regular budget of the UN; and

12. *Requests* the SYG to furnish the Military Adviser and to the *ad hoc* committee the staff and assistance necessary for the effective accomplishment of their respective tasks."²

AUSTIN

² In the working papers of the U.S. Delegation to the General Assembly, this draft was set up as delegation document US/A/C.1/1890, September 12. In the event, this was the first of eight drafts that were prepared by the Delegation, until an agreed joint draft with several other delegations was formulated on October 7. Others that followed were US/A/C.1/1890/Rev. 1, September 23; US/A/C.1/1890/Rev. 2, September 25; US/A/C.1/1890/Rev. 3, September 28; US/A/C.1/1890/Rev. 4, October 4; US/A/C.1/1890/Rev. 5, October 5; US/A/C.1/1890/Rev. 6, October 6; and US/A/C.1/1890/Rev. 7, October 7. Of these the second listed is printed below *in toto*. The last is printed as U.N. Doc. A/C.1/576; for citation, see editorial note, p. 359.

320/9-1350

*Memorandum of Conversation, by Mr. David H. Popper of the Office
of United Nations Political and Security Affairs*

CONFIDENTIAL

[WASHINGTON,] September 13, 1950.

Participants: Madame Vijaya Lakshmi Pandit, Ambassador of
India

Mr. John D. Hickerson, UNA

Mr. William L. S. Williams, SOA

Mr. David H. Popper, UNP

The Indian Ambassador called at our request for a discussion of certain important matters which will arise at the forthcoming session of the United Nations General Assembly.

[Here follows brief general discussion in which Assistant Secretary of State Hickerson emphasized the desire of the Department to exchange information between the two Governments "in order to create the broadest possible atmosphere of understanding."]

I thereupon explained in some detail our program of United Nations action against aggression,¹ stressing that it represented a natural development from our experience with the Korean case and that it was of crucial importance for the United Nations to take steps of this nature if it was not to be condemned to frustration and popular discontent because of the obstructive tactics which the Soviets were now following and would continue to follow in the Security Council. I stressed the need for speedy action as the motivating factor behind our proposal for special emergency General Assembly sessions; the desirability of having a commission on the spot, through mechanisms acceptable to states like Yugoslavia, as a justification for our "roving commission" proposal; and the importance of avoiding improvisation in the case of future United Nations armed forces as a reason for our plan for United Nations units. I took pains to inform Madame Pandit at some length that our action was not motivated by a desire to drive the USSR out of the United Nations. I stated that we had no desire to influence the internal policies of the USSR, although we doubted they would stand up in the long run; but we were opposed to aggression from any quarter, and we felt that the United Nations must be built up to meet any such aggression at this time. Our

¹ On instruction from the Department (telegram 341, September 6, 7 p. m., 320/9-650), the Ambassador in India (Henderson) had already informed the Indian Ministry of External Affairs of the United States three-part peace action proposals. On September 9 Ambassador Henderson reported to the Department the "tentative" and essentially negative views of the Indian Government as conveyed by Sir Girja Shankar Bajpai, Secretary-General of the Ministry (New Delhi telegram 589, September 9, 8 a. m., 320/9-950).

plan, which was not yet finally adopted, was not provocative. We frankly did not think the USSR would go along with it, but we would certainly welcome them if they should wish to do so.

The Ambassador stated that without seeing the text of our proposals, she could of course make no considered comment. Nevertheless, she said that, speaking in a purely personal capacity and giving her offhand impression, she viewed the proposal with a "mixed reaction." She agreed thoroughly with my statement that such proposals should not be provocative and appeared to feel that these proposals were not. She agreed that it was desirable to pave the way for immediate Assembly action if the Security Council could not function because of the veto. She expressed no objection to the roving commission idea as I had outlined it. With regard to the proposal on United Nations contingents, she said that everything depended on the actual drafting of our resolution. There was no objection in principle to the kind of thing the United Nations had done in Korea, but because of certain unfortunate aspects of the dual role of General MacArthur, it would be necessary to scrutinize carefully plans for United Nations military operations in the future. On the whole, her reaction appeared to be favorable rather than unfavorable.

[Here follows discussion of other subjects.]

320/9-1950: Telegram

The Secretary of State to the Acting Secretary of State

CONFIDENTIAL

NEW YORK, September 19, 1950—11:35 p. m.

Delga 9. For Sandifer from Popper.¹ We intend submit agenda item "United Action for Peace" together with following explanatory memorandum under covering letter to Lie from Secretary at time delivery speech in general debate.² Since Secretary may possibly speak by end plenary tomorrow morning, Department is requested submit any comments urgently.

¹ Mr. Popper was Principal Executive Officer of the United States Delegation to the General Assembly.

² For the text of the Secretary of State's letter to Secretary-General Lie, see United Nations, *Official Records of the General Assembly, Fifth Session, Annexes*, vol. II, fascicule 68, p. 2 (U.N. Doc. A/1373); hereafter cited as GA (V), *Annexes*, vol. II. For Secretary Acheson's note of September 20 together with the official text of the "Explanatory Memorandum," see *ibid.*, pp. 2 and 3; the memorandum was submitted substantially as quoted here but indicated changes are to be noted. For the verbatim text of Mr. Acheson's address to the General Assembly on September 20, see United Nations, *Official Records of the General Assembly, Fifth Session, Plenary Meetings*, vol. I, pp. 23 ff.; hereafter cited as GA (V), *Plenary*, vol. I.

"The Charter gives the GA important functions to perform in the field of international peace and security, including the right to discuss any question relating to this field and the right to make recommendations. The experience of the UN in the five years since the Charter came into force has demonstrated the value of the Assembly's role. In the view of the US, the Assembly's contribution can be enhanced both with respect to the avoidance of conflicts and with respect to the restoration of peace if need arises.

"The UN found it most helpful to have in Korea a commission which could and did report authoritatively on the events of June 1950 in that country. The US believes that the Assembly should now establish and maintain in being a UN peace observation commission, available to travel or send observers to any area of international tension or conflict; the reporting of such a commission would provide reliable information to the UN as a basis for the consideration of problems by the SC or GA.³

"The GA should be enabled to meet on very short notice in case of any breach of international peace or act of aggression if the SC, because of veto, is unable to discharge its primary responsibility for the maintenance of peace and security. To this end, the US proposes that the Assembly make provision for emergency special sessions to be convoked at the request of either a majority of UN members or any seven members of the SC.

"UN military forces, pursuant to Article 43 of the Charter, have not yet been established. In this important respect the structure and machinery of the UN are incomplete. To fill the gap, pending the conclusion of agreements in accordance with Article 43, the US believes the GA should recommend to the members of the UN that they designate within their national armed forces UN units so trained and equipped⁴ as to be available for prompt service on behalf of the UN, upon either a determination by the SC or a recommendation of the GA. The US believes that each member should be invited by the Assembly to survey its resources in order to determine what assistance it could render in accordance with any UN action to restore international peace and security.⁵ To assist in making these planning measures effective, the GA should establish an *ad hoc* committee to study the means which the UN might employ through collective action to suppress breaches of the peace and repel acts of aggression.⁶ The US favors also the appointment of a UN military adviser to consult with members wishing to designate UN units and assist them in the organization, training and equipping of such forces.

"These measures which the US proposes are, of course, without prejudice to the work of the SC in discharging its primary responsibility. In fact, the SC should be expected to avail itself of reporting

³ This and the next paragraph were reversed in the final text.

⁴ The words "and maintained" were inserted here in the final text.

⁵ In the final text, this sentence was placed so as to be the last sentence of the paragraph.

⁶ This sentence was removed from the paragraph in the final text, and became a one-sentence paragraph as indicated in the next footnote.

by the UN peace observation commission and of the services of UN units designated by members.⁷

"In conclusion, it should be emphasized that these proposals have the primary aim of preventing breaches of the peace and deterring acts of aggression. Readiness of the UN to deal with such eventualities under all circumstances should⁸ minimize the necessity of resorting to measures for the restoration of international peace and security. The purpose of the US proposals is to give maximum effectiveness to UN efforts in keeping the peace."

[Popper]

ACHESON

⁷ This paragraph was eliminated in the final text, and replaced by the sentence beginning "To assist in making . . ."

⁸ In the final text, the words "Readiness of the UN to deal with such eventualities under all circumstances should" were excised, and the first and second sentences were joined so as to read, ". . . and deterring acts of aggression and thereby minimizing the necessity. . . ."

IO Files : US/A/2547

Memorandum of Conversation, by Mr. G. Hayden Raynor of the United States Delegation Advisory Staff

CONFIDENTIAL

[New York,] September 22, 1950.

Participants: Mr. Vincent Broustra, French Delegation
Mr. Bernard de Menthon, French Delegation¹
Mr. Henry Villard, United States Delegation
Mr. Hayden Raynor, United States Delegation

After dinner last evening, we discussed a number of General Assembly questions, and significant observations or comments made by the French are reported below:

United Action for Peace

1. Broustra led off with mention of Article 51 and discussed the "inherent right of individual or collective self-defense" in relation to the Korean situation and to possible similar contingencies in the future. He thought that Article 51 was the proper section of the Charter to cover cases of aggression pending action by the Security Council, and that it could be developed and strengthened if necessary to meet new needs.

2. This led to an expression of opinion by Broustra that the Secretary's proposal was not the proper solution. It was a deviation from the Charter, it was of doubtful legality, it sought to reach its objective by a detour which was outside the Charter and never contemplated by it.

¹ Messrs. Broustra and de Menthon were Secretary-General and Assistant Secretary-General of the French Delegation, respectively.

3. Broustra agreed that the new situation created by Soviet indirect aggression also was not contemplated by the Charter and that something had to be done to meet it. There could be no quarrel with the underlying principles of the Secretary's approach but only with the method.

4. Broustra objected particularly to a military "coordinator" as this suggested too much the idea of a "commander," and questioned the term "peace patrol" or "security patrol."

5. In general, Broustra thought the Assembly would not agree to support a proposal involving such fundamental change in the Charter. He displayed definite reserve from French side, and inquired what other reactions we had received. He showed willingness, however, to have US-French consultations in effort to work out some formula which could be accepted by both.

[Here follows very brief discussion of two other matters.]

HAYDEN RAYNOR

IO Files : US/A/C.1/1892

Paraphrase of a Message Received by the British Delegation to the General Assembly From the British Foreign Office and Handed to the United States Delegation, New York, September 23, 1950

CONFIDENTIAL

The Charter entrusts the Security Council with the primary (not exclusive) responsibility for peace and security, and the Assembly has a subsidiary role in this sphere, which is defined in Articles 11 and 12. Thus the Security Council being the rule and the Assembly being the exception in this sphere, it must be held that the role of the Assembly is more or less exhaustively defined in these two Articles. It appears from Articles 11 and 12 that the Assembly has a power to make recommendations in the sphere of peace and security in two cases:

(A) It may recommend general principles in the abstract to be applicable to any case as it arises (Article 11(1));

(B) It may discuss and make recommendations relating to particular cases under Article 11(2), but the language i.e. "questions relating to the maintenance of international peace and security" (N.B. not "restoration") coupled with the reference to Article 35(2), does strongly indicate that this is a chapter VI jurisdiction and not a chapter VII one. In other words, there is nothing in Articles 11 and 12 which gives the Assembly any jurisdiction over breaches of the peace and acts of aggression.

2. Having given to the Assembly this jurisdiction limited to these two classes of cases, articles 11 and 12 proceed to place two limitations or conditions on the exercise of that limited jurisdiction, namely:

(1) that the Assembly is not to make recommendations with regard to any situation when that situation is on the agenda of the Security Council (which is what Article 12(1) probably means) and

(2) that if it wants to recommend action it must refer the matter to the Security Council.

It could be argued—although the Attorney General doubts the soundness of the argument—that these two conditions would not really hamper the American proposals because

(i) *Ex hypothesi* the Security Council will have failed before the Assembly takes the matter up, and

(ii) the Assembly could refer its recommendations to the Security Council by inserting a paragraph that its recommendations should be referred there but should remain operative unless the Security Council by affirmative vote decides otherwise.

But in any case Article 11, even on a fairly sympathetic interpretation, does not appear to give the General Assembly any jurisdiction when a breach of the peace has actually taken place.

3. To support action which is inconsistent with what is suggested above to be the true interpretation of the Charter, one would have to argue, if necessary, that the phrase “any questions relating to the maintenance of international peace and security” in Article 11(2) is not in fact exactly the same expression as is used in chapter VI, and therefore must be interpreted as having a wider meaning. There are also other places in the Charter where the expression “maintain international peace and security” is used without the additional word “restore”, though the clear meaning there is “maintain or restore”. Further, the actual reference to Article 35(2) only applies to a question brought before the Assembly by a non-member state (and not by a member of the Security Council) and it may well be said that the Security Council has the right, under this Article, to bring even a breach of the peace if it so wishes before the General Assembly.

IO Files : US/A/C.1/1895

Memorandum of Conversations, by Mr. G. Hayden Raynor of the United States Delegation Advisory Staff

CONFIDENTIAL

[New York,] September 24, 1950.

Participants: Mr. Vincent Broustra, French Delegation
Mr. C. C. Parrott, United Kingdom Delegation
Mr. G. Hayden Raynor, United States Delegation

As a result of several conversations with the individuals listed above and with other members of their two delegations, I am inclining to

the opinion that both the British and the French are reconciled to the Assembly's adopting something along the line of our proposals. I think as a matter of tactics they will now concentrate their efforts on attempting to water down our proposals but that they will go along with whatever we succeed in selling to other delegations provided it is not too strong from their point of view.

In separate conversations last night with Broustra and with Parrott, I spoke with great earnestness of the great importance of Mr. Schuman and Mr. Bevin in their speeches in the general debate endorsing our proposals to the fullest extent they feel is possible. I said in both cases that silence or obvious lukewarm endorsement would have as bad an effect here as negative statements. They both agreed to stress this point of view in their delegations and my impression was reaffirmed that both of their Ministers will probably endorse our proposals, at least in principle.

IO Files : US/A/C.1/1890/Rev. 2

Text of Draft United States Resolution Entitled "Uniting For Peace," Submitted by the United States Delegation to Other Interested Delegations, New York, September 25, 1950¹

SECRET

The General Assembly

Recognizing that the first purpose of the United Nations is 'to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace,'

Finding that international tension exists on a dangerous scale;

Recalling its Resolution 290 (IV) entitled "Essentials of Peace," and desiring to contribute further to the objectives of that Resolution;

Reaffirming the importance of the Security Council exercising its primary responsibility for the maintenance of international peace and

¹ This draft, based on the September 12 draft (USUN telegram 507, September 12, p. 331), had been approved in substance by President Truman on September 16 (330/10-1150). The Department of State was to have broad drafting latitude in order to maximize its General Assembly support, with no departure from fundamentals. This September 25 draft became the basic negotiating draft in the United States diplomatic effort to win acceptance of its proposals.

security, and the duty of the permanent members to seek unanimity and to exercise restraint in the use of the veto;

Conscious that failure of the Security Council to discharge its responsibility on behalf of all the Member States does not end the responsibility of the United Nations under the Charter to maintain international peace and security, and recognizing in particular that such failure does not relieve the General Assembly of its rights, and consequent responsibilities, under Chapter IV of the Charter in relation to the maintenance of international peace and security;

Recognizing that discharge by the General Assembly of its responsibilities in these respects calls for possibilities of observation which would ascertain the facts and expose aggressors; for the existence of armed forces which could be used collectively, and for the possibility of timely recommendation by the General Assembly to United Nations members for collective action which, to be effective, should be prompt.

A

1. *Resolves* that if the Security Council fails to exercise its primary responsibility for the maintenance of international peace and security with respect to a threat to the peace, a breach of the peace or an act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective action, including when necessary the use of armed force, to maintain or restore international peace and security. If not in session at the time, the General Assembly shall meet in emergency special session which shall be called by the Secretary-General and convened within 24 hours of the receipt of a request from

(a) Any seven of the Members of the United Nations then represented on the Security Council;

(b) A majority of the Members of the United Nations expressed through the Interim Committee or otherwise;

2. *Adopts* for this purpose the revisions in its rules of procedure set forth in the annex to this resolution.

B

3. *Establishes* a Peace Observation Commission composed of representatives of (9-14 Members) which the General Assembly or the Security Council may utilize for the purpose of ensuring immediate and independent observation in and reporting from any area in which international tension exists the continuance of which is likely to endanger the maintenance of international peace and security. The Commission shall have authority in its discretion to appoint sub-commissions and to utilize the services of observers to assist it in the performance of its functions.

4. *Authorizes* and requests the Interim Committee of the General Assembly to call upon the commission to observe in and report on the situation in any area where in the view of the Interim Committee such international tension exists, upon the invitation or with the consent of the state into whose territory the commission would go. In the performance of its duties under the present Resolution the Interim Committee shall act only if the Security Council is not exercising in respect of the matter the functions assigned to it by the Charter and only upon the vote of a two-thirds majority of the Members present and voting.

5. *Recommends* to all governments and authorities that they co-operate with the commission and assist it in the performance of its functions;

6. *Requests* the Secretary-General to provide the necessary staff and facilities utilizing where directed by the commission the United Nations panel of field observers envisaged in Resolution 297 (IV) B.

C

7. *Invites* each Member of the United Nations to survey its resources in order to determine the nature and scope of the assistance it may be in a position to render in support of any United Nations measures for the restoration of international peace and security;

8. *Recommends* to the Members of the United Nations that, pending the creation of the armed forces provided for under Article 43 of the Charter, each Member designate within its national armed forces a United Nations unit or units, to be so trained and equipped that they could be made available for prompt service on behalf of the United Nations upon call or recommendation by the Security Council or recommendation by the General Assembly;

9. *Requests* the Secretary-General of the United Nations to appoint, with the approval of the Committee provided for in paragraph 10, a United Nations military adviser to consult with the Member States who wish to establish such units to advise them regarding the organization, training and equipping of such units;

10. *Establishes* a Collective Measures Committee consisting of representatives of (10 to 14 Members) and directs the Committee, in consultation with the Secretary-General and with the United Nations Military Adviser, to study and report to the General Assembly on measures, including the use of armed force, which might be made available, by agreement or otherwise, for employment by the United Nations collectively in order to carry out the purposes and principles of the Charter, and, in particular, to study and report on:

- (a) Collective measures not involving the use of armed force; and
- (b) Methods for the collective use of United Nations units established or to be established by Member states.

11. *Authorizes* payment of the Military Adviser's salary and expenses from the regular budget of the United Nations; and

12. *Requests* the Secretary-General to furnish the Military Adviser and the Collective Measures Committee the staff and assistance necessary for the effective accomplishment of their respective tasks.

IO Files : US/A/M (Chr)/142

Minutes of the Seventh Meeting of the United States Delegation¹ to the General Assembly, New York, September 26, 1950, 9: 15 a. m.

SECRET

[Here follow list of persons present (46) and brief discussion of miscellaneous matters not on the agenda.]

1. *United Action for Peace*

Mr. Bancroft called attention to the new title, "Uniting for Peace"² and explained that the resolution as a whole had been redrafted, though the substance was not materially altered. He noted specific changes.

Mr. Dulles had met with Mr. Younger of the British Delegation last night and consulted in some detail. The British were worried about the resolution obtaining maximum support, and in addition to their legal worries, already known to the Delegation,³ were concerned that some safeguard against irresponsible Assembly action be provided. There was a question also as to the course of action to be followed in a case where the Council might fail and yet the Assembly would be unwilling to act. As regards the legal situation, the British relied upon Article 11(2) of the Charter which provided that any question relating to the maintenance of international peace and security upon which recommendations were made by the Assembly and "on which action is necessary" should be referred "to the Security Council by the General Assembly either before or after discussion."

¹ For information regarding the composition and organization of the United States Delegation to the fifth regular session of the General Assembly, see p. 24.

² The Delegation obviously had on hand the draft text of September 25 (Doc. US/A/C.1/1890/Rev. 2), although it is not so stated in the minutes. At its first inconclusive discussion of the matter on September 22, the Delegation had used the draft of September 12 (Doc. US/A/C.1/1890).

³ See paraphrase of British Foreign Office message handed to the United States Delegation on September 23, p. 338. The views incorporated therein had been orally communicated to the Americans in a late evening conversation between Parrott and Raynor of the British and American Delegations respectively, on September 20. At the time Raynor assured Parrott that the United States would not table any resolution until further consultations with the British and other delegations. (Raynor memorandum of conversation, September 21, IO Files, Doc. US/A/2545).

They feared this language might provide a convenient legal handle for the opposition and might create difficulty if the question of Assembly authority to act in this way were referred to the International Court, which might not see fit to uphold the plan. Mr. Younger had said, however, that if the United Kingdom decided to support this resolution, it would have to decide its legal theory was wrong. On the provision for designating United Nations forces, Mr. Younger had said that the British were in a unique position because their forces were so scattered that it would be impossible for them to know which could be designated as a United Nations unit. The British were also concerned at the provision for appointment of a United Nations Military Adviser, since this might be construed in such a way that, if a UK or US national were chosen, it could appear that the United States and United Kingdom were attempting to utilize world forces in their own interests. As an alternative, Mr. Dulles had suggested the use of an advisory military group, acting as a committee.

The Secretary asked whether we could go ahead with our draft. Mr. Bancroft said that the question of sponsorship remained; we had asked the British if they wished to be co-sponsors and they had desired to think it over, agreeing, however, that it would be wise to have broad sponsorship, including India. He believed we should carry on our consultations with other delegations, using this draft as the basis for our conversations.

The Secretary was not much impressed by the British arguments on the proposed military adviser. He preferred going ahead with the present text. After all, the military adviser did not have to be American or British. Mr. Dulles thought that, in order to get Indian support and possibly that of the Arabs, it might turn out to be necessary to make it clear this was not a scheme to get an American to run armed units throughout the world; however, he saw no reason to change our position at the moment. The British were simply guessing at the reactions of other countries to this idea. Mr. Rusk suggested that it might be helpful if our own military people were to draw up a list of eligible candidates. The Secretary agreed and believed it would be wise to include names of non-Americans which we could rattle off at the appropriate moment.

Mr. Popper believed that the area advisers could use the present draft as a basis for discussion with other delegations and wondered whether the actual text could be given out. Mr. Dulles said he would like to have India's reaction before using the text in such a way it would inevitably find its way into the newspapers. Mr. Raynor asked whether the text could not be given to Canada. This was agreed. The Secretary stated that Mr. Dulles would be in charge of the consultations.

[Here follows discussion of another subject.]

IO Files: US/A/C.1/1907

*Memorandum of Conversation, by Mr. Harding F. Bancroft of the
United States Delegation Advisory Staff*

CONFIDENTIAL

[NEW YORK,] September 26, 1950.

Participants: Sir Benegal N. Rau¹—Indian Delegation
Mr. John Foster Dulles } United States Delegation
Mr. Harding F. Bancroft }

Sir Benegal was given a copy of the draft of September 25 on "Uniting for Peace". In a later discussion with Mr. Dulles he said that the principal thing that had worried his Government when the idea was presented to it sometime ago in New Delhi was the possibility that it would be regarded by the Russians as an effort toward alliance against them and might cause them to leave the United Nations. As far as the text of the Resolution was concerned, Sir Benegal said he had not had a chance to study it thoroughly but would like to transmit it to his Government and get their comments.

Mr. Dulles in explaining the purpose of the proposal and the underlying reasons why we favored its adoption at this Assembly, made it clear to Sir Benegal that it was not the purpose or the intent of the United States to drive the Russians out of the United Nations. He said that in his opinion although it was impossible to predict Russian action, the taking of this step by the Assembly would not force the Russians out nor be used as a pretext by them to leave the United Nations unless they had decided for other reasons to do so.

In elaborating at some length our reasons for the proposal Mr. Dulles made the point that if action of some sort to strengthen the United Nations capacity to deal with aggression was not taken under the Charter, it was not unlikely that the Members of the United Nations might urge it outside of the Charter, for example, under Article 51. Mr. Dulles said he had long been opposed to such action outside the Charter, but if it were taken it would be much more likely to have the effect on the Russians which we all wanted to avoid. He said that in this case inaction by the Assembly might be just as dangerous vis-à-vis the Russians as action by this Assembly.

Sir Benegal gave no indication of his reaction to Mr. Dulles' arguments but promised to pass them on to his Government and get in touch with us as soon as he had word from it.

HARDING F. BANCROFT

¹ Permanent Representative of India at the United Nations, Chairman of the Indian Delegation to the General Assembly.

IO Files: US/A/C.1/1915

*Memorandum of Conversation, by Mr. John Foster Dulles of the
United States Delegation*

CONFIDENTIAL

[NEW YORK,] September 27, 1950.

I spoke to Ambassador Chauvel at 11:00 a. m. in the Delegates' Lounge today. Chauvel said that he had expected this matter to be discussed by M. Schuman with Mr. Acheson, but they had not gotten to it.¹ France was not favorably disposed. They felt our proposal was unconstitutional, usurping Security Council authority.

1. He accepted the 24 hour special Assembly on call of 7 members of the Security Council, but not of a majority of the Members.
2. He saw no particular difficulty in Part B.
3. He doubted the whole idea of C, as being a matter to be dealt with by the Security Council under Article 43. Also, practically, if it was hard to create a collective force for 12, could it be done for 59 nations?

He would translate our text, study it and discuss further in a few days. Meanwhile, he would like a memorandum from us,² which I offered on the constitutional question.

¹ That is, in the September 18-19 pre-General Assembly meetings of the Secretary of State with the British and French Foreign Ministers.

² *Infra*.

IO Files: US/A/C.1/1929

*Mr. John Foster Dulles of the United States Delegation to the
Permanent Representative of France at the United Nations
(Chauvel)*

CONFIDENTIAL

[NEW YORK,] September 28, 1950.

DEAR M. CHAUVEL: In our talk today you raised the question as to whether the General Assembly could constitutionally recommend to the Members of the United Nations the designation of armed forces available for collective use, and could thereafter recommend collective use if the Security Council failed to act to meet aggression.

Your doubt, as I understand it, rests upon the fact that Article 11(2) provides, as an exception, that "Any such [peace and security] ¹ question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion."

In our opinion this provision of Article 11(2) does not in any way impair the broad authority of the General Assembly to discuss and

¹ Brackets within the document appear in the source text.

make recommendations. The only limitation is, we think, contained in Article 12(1), which says that "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests."

Obviously this provision of Article 12 should be respected and by our resolution it would be respected.

The matter of Members maintaining within their national forces elements available for service as United Nations units is clearly not a "question on which action [by the Security Council] is necessary" within the meaning of the last sentence of Article 11(2).

As regards the proposal that the General Assembly might hereafter recommend the collective use of such units, this you will recall would only happen if the Security Council fails to exercise its primary responsibility for the maintenance of international peace and security with respect to a threat to the peace, a breach of the peace or act of aggression.

I have no doubt that the General Assembly has the power to recommend such use under those circumstances. The limitation of Article 12(1) is fully respected. The General Assembly would not, under the conditions indicated, be in any sense encroaching upon the authority of the Security Council, or duplicating its activity, for the Security Council would have had its opportunity and would have failed to act. Surely under these circumstances the recommendatory authority of the General Assembly is made explicit by the provisions of Article 10 and the first part of Article 11(2).

There is no conflict between these provisions and the exceptions concerning "action" in Article 11(2). The "action" referred to in Article 11(2) consists of binding decisions—orders—of the Security Council under such Charter articles as 40, 41 and 42.

It is, of course, recognized that the General Assembly does not have any such power to take action; if action—binding decisions and orders—as distinct from recommendation, is necessary, the matter should be referred to the Security Council, which alone has that power of action. The General Assembly does, however, under Article 10, have the general power to make recommendations with respect to "any questions or any matters within the scope of the present Charter", subject only to Article 12(1) preventing duplication. Surely the phrase "the scope of the present Charter" is broad enough to include the matter dealt with in Chapter VII and this was designed at San Francisco. One of the most bitterly fought and last agreed to Articles, was this Article 10. It was a final concession made by the so-called "Big Five" to the so-called "Little 45". The Russians fought it to the

last, and only gave in under the strongest sort of persuasion, including a statement by our Secretary of State conveyed to Moscow that we would go ahead without them unless they accepted this broad power of recommendation in the General Assembly. The Soviet Union gave in at the last moment and very reluctantly. Their reluctance stemmed from the fact that they recognized that this power of recommendation would, subject to Article 12, be as broad as the whole Charter and include matters within the scope of Security Council jurisdiction.

The issue of whether or not the General Assembly should have that broad power of recommendation was fought out at San Francisco and was resolved there and seems to be perfectly expressed by unambiguous language.

It would, I suppose, hardly be contended that the provisions of the Charter prevent the Members from acting collectively against aggression except with the approval of the Security Council, where the veto exists. If that were so, the Charter would not be a bulwark, but a trap tying the hands of the law-abiding nations which would serve the purpose of any Great Power aggressor. Surely if the Members want to, they can create military units available for collective defense and if they want to, they can put those units into action. Article 51 makes this entirely clear. We feel that the Charter enables them to use the General Assembly as the place for working out this voluntary system to carry forward the fundamental objectives of the Charter. This would be based on recommendation only. To get this result, the Members do not have to go outside the framework of the United Nations. The Charter is, happily, a flexible instrument and responsive to growing needs.

Sincerely yours,

JOHN FOSTER DULLES

320/9-2750 : Telegram

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

SECRET

WASHINGTON, September 27, 1950—6 p. m.

Gadel 11. Fol Dept's suggestions and comments re proposed resolution "Uniting for Peace", Delga 33, Sept. 25.¹

1. Suggest addition new first para, along fol lines, which would include idea your second:

"Expressing its profound concern at the present state of international tension, and affirming its belief that all international disputes and situations which might threaten international peace and security

¹ See text of U.S. Delegation draft proposal of September 25, p. 340.

can be settled by peaceful means in such a manner that international peace and security, and justice, are not endangered."

Comment: Dept believes suggestion would be attractive as reaffirming belief that despite present tension war is not inevitable.

2. Delete second para your draft.

3. Revise your para 4 to read: "Reaffirming the importance of the exercise by the SC of its primary responsibility for etc."

4. Break up para 5, your draft into two paras and rewrite as fols:

"Conscious that failure of the SC to discharge its responsibility on behalf of all member states does not relieve member states of their obligations, or the UN of its responsibility, under the Charter to maintain international peace and security;

"Recognizing, in particular, that such failure does not deprive the GA of its rights or relieve it of its responsibilities under Chapter IV of the Charter in regard to the maintenance of international peace and security;"

Comment: Your draft eliminates notion of continuing obligation of members and deals only with rights and obligations GA. Dept believes two separate ideas involved, both useful.

5. Although your final para preamble acceptable suggest fol alternative: "Recognizing that it is important to expedite and make more effective the action of the GA in regard to the maintenance of international peace and security, and to enhance its contribution in this field."

Comment: Dept sees no need describe in detail in preamble what fols in resolution. Proposed substitution would seem adequate.

6. Re para A1, Dept has always preferred and still prefers the inclusion of reference to the veto or lack of unanimity of the permanent members. Would appreciate statement of your reasons for deletion in this draft. In addition, Dept questions desirability broadening occasion special emergency session by including reference para A1 to "threat to peace".

7. Rewrite para A1(a) to read "The SC, upon an affirmative vote of any 7 members thereof".

Comment: Your draft would suggest action by 7 members of SC acting individually and informally which might raise constitutional question under Art 20.

8. Rewrite numbered para B4 to read "Authorizes the IC of the GA to call upon the Commission to observe and report . . ."

9. Rewrite second sentence in numbered para B4 to read: "In the performance of its duties under the present resolution the IC shall act only if the SC is not exercising in respect to the matter in question the functions assigned to it by the Charter, and decisions to utilize

the Commission shall be made only upon the vote of a 2/3 majority of the members present and voting”.

Comment: Dept agrees implication your draft, i.e., freeing IC in implementing present resolution from most limitations contained resolution 295 (IV). Dept believes, however, 2/3 vote requirement should be limited to decision to utilize Commission, and should not be required in regard other possible votes in matters relating to this resolution.

10. In numbered para C8, revised to read: “. . . to be so trained, equipped *and maintained*, etc.”.

Comment: This was proposed by JCS and its inclusion agreed by Hickerson. Further, because of possible practical difficulties designation specific units and relationship those units to NAT and other forces, Dept agrees further consideration be given employing phrase like “designate or maintain”.

11. Revise numbered para C10 to read: “. . . report to the GA on means, including the use of armed forces, which are available, or which might be made available, by special agreement or otherwise, to the UN in order to carry out the purposes, etc.”

WEBB

IO Files: US/A/M (Chr)/144

Minutes of the Ninth Meeting of the United States Delegation to the General Assembly, New York, September 28, 1950, 9:15 a. m.

SECRET

[Here follow list of persons present (46) and discussion of a prior agenda item.]

2. *Uniting for Peace* (US/A/C.1/1890/Rev. 2: Gadel 11)

It was noted that this matter had been returned to the Delegation in view of Senator Lodge's request. The Senator said that he heartily approved most of the resolution. However, paragraph (8) in Section C on Page 3 was not entirely clear to him. The phrase “so trained and equipped” seemed to indicate that we would know what would be needed in advance; he assumed it probably meant enough basic training for use anywhere since we were certainly not clairvoyant so that we could know where action would take place. The Secretary thought this phrase meant that the forces should be trained as mobile units, similar to the marines—self-contained units which could be picked up and sent anywhere.

Senator Lodge asked whether this provision involved any added commitment for the United States. He assumed that if we were going

to have a core of, say three divisions, it would mean an increase in our Army and Air Force, as well as some additional shipping. He wondered whether this added commitment involved a Congressional question which should be raised. He believed a strong case could be made for this kind of commitment. He assumed other members of the United Nations would also wish to know whether this involved an added commitment. While we could not determine in advance of every situation what was needed, the resolution did not make clear whether the forces contemplated were in addition to what we already had.

Mr. Dulles observed that this question had already come up in our consultations with the French and British, who were unhappy with this particular provision because they assumed it meant they would have to create additional forces. While the British were simply doubtful, the French had stated flatly that they could not provide additional forces since they were already committed to do all that they could. There was a further question as to whether this provision should read just as it did, so that it appeared special forces, earmarked for the United Nations, were to be created. If it meant that governments were to designate separate United Nations units, Mr. Dulles believed that neither the French nor British would support the proposal.

Ambassador Austin inquired whether the word "designate" had been used in its precise meaning. Mr. Dulles believed this point should be decided: he was not clear on it himself. Others had pointed out that if special units were designated, they might not be those closest at hand when an actual situation occurred. He illustrated this point by noting that such designated forces might not have been gotten to Korea in time; we would be most likely to use forces close by; our strength in Korea resulted from the fact that we had thrown everything we had in the area into the struggle. The potential aggressor might in other cases be influenced by the fact that designated United Nations forces were 7,000 miles away.

[Here follows discussion of a national security matter.]

Mr. Rusk suggested that we needed further advice from the Joint Chiefs of Staff at this stage as to the way in which implementation of this provision might be handled. He recalled that in the early days of the United Nations it had been assumed that, in the United Nations contingents, each country would not designate particular units but simply the type of units it offered. We might draw from our strategic reserve. He believed military thinking on this was now changed.

Senator Lodge believed the essence of the contemplated operation was to have forces available to move into a situation quickly. Either the purpose here was to bring the Latin American states and

other . . . countries up to a minimum of military efficiency, or else it meant special forces would be set up, and if the latter were done, it could not be done within our present legislative framework.

The Secretary commented that two separate ideas were involved—one as regards ourselves and one for other people. As regards our own situation, he explained we were not considering an increase in our military establishment beyond that which had been begun before the Korean situation developed. One thing had become clear in discussions in Washington—that was that we could resist aggression in certain areas only by threatening to bring on total war. Therefore, in such cases, any local incident raised the question of total war. That put us in a dangerous and inflexible situation. Considerations against bringing on a general war were such that the possibility of local success in aggression became very great indeed. Some types of local aggression would inevitably lead to total war, such as an outbreak in Germany or Turkey. There might be other places, however, where that would not be true, particularly where a satellite was concerned. We felt that plans should be made for some additional means to deal with certain types of local aggression. The thought was that there should be taken into consideration by the Defense Department an additional element which could be used in this way. It was not anticipated that this should be one identifiable outfit in one place supposed to cover the world, but we would look at the points of difficulty around the world, and make plans to deal in each area with forces in a particular place. In that sense this program was additional, but it was not additional to what we were thinking about now.

Senator Lodge asked if such forces were not additional to the eighteen divisions we were to have by June 1951. The Secretary responded that it was not in addition to what we planned to have by 1954. Senator Lodge thought our plans provided very little to cover the Middle East.

Turning to the situation of other countries, the Secretary explained that when the Korean war had broken out, we were unable to get any assistance immediately from other governments. This was obviously a foolish way in which to have to proceed. The provision in this resolution, however, would put pressure on governments to establish some forces which could be ready in less than four months. On a limited basis, all governments could probably come into such a plan—even the French. We could get together forces in this way which would be useful in future situations. He suggested that perhaps the language of the draft resolution might be changed to clarify the situation. Senator Lodge agreed that the underlying purpose should be made clear.

The Senator went on to say it would be desirable if a military middle ground could be worked out. He was personally grateful that

we had built up a strategic air force. He thought what was being attempted in this resolution was wonderful, and suggested it be clarified by rewriting paragraph 8.

The Secretary observed that, now that the purpose of this provision had been made clear, such redrafting should be easier. He reiterated that it was not thought that the provision added anything to present plans of the Joint Chiefs of Staff.

Mr. Dulles asked whether this language required each government to notify the Secretary-General that certain named divisions were earmarked for the United Nations. The Secretary believed that went too far. Mr. Dulles thought better language could be found; in particular, the word "designate" was too explicit. Ambassador Austin asked what language was used in Article 43 of the Charter. It was found that "to make available" appeared there. Mr. Dulles believed that phrase might be used; the present language, he thought, went further than the language in either Article 43 or 45 of the Charter.

Senator Lodge asked the Secretary what his answer would be before a Committee of Congress if the question were put to him whether this resolution meant more commitments for the United States. The Secretary replied that the answer would be no, although Congress would have to vote more for armaments, but not for this reason. Senator Lodge asked whether after June 30, 1951, the forces contemplated would develop into something definite which would be recognizable and which we would not have to have without this resolution. The Secretary said this provision did not do that. We had to do something of this kind under any circumstances; what we wanted was to get others to do it with us. Mr. Dulles agreed that the most important thing was to get the cooperation of other members in this regard.

Mr. Cohen had an observation to make with respect to our commitments. The lesson of Korea was such that we would have to organize somewhat more effectively mobile units to be available for action short of total war. This was a matter which, with or without this resolution, would present problems in regard to the organization of our armed forces, and which might and probably would require additional expenditures. This provision might help to keep the demands on the United States more moderate. Senator Lodge thought it could not help but mean an increase for us. Mr. Cohen pointed out we faced such an increase with or without this resolution.

The Secretary emphasized that we just could not be ready to fight somebody in every part of the world at all times. There were many points where we could do nothing; there were other points where something could be done, and where it was important to do something. It was the latter situation which was involved here. Senator Lodge agreed that it was something we were going to have to do anyway.

Colonel Rodieck reported that members of the Military Staff Committee had met with their British opposites at their request on this subject. The British military staff had a number of recommendations for changes in the resolution. It was agreed that members of the Military Staff Committee would meet directly after the delegation meeting with Mr. Dulles, Senator Lodge and advisers to discuss these points.

Senator Austin suggested that Paragraph 8 might be changed to read: "... each Member maintain within its national armed forces units to be made available for prompt service on behalf of the United Nations. . . ." Senator Lodge believed this left out one important thing—that these groups should have enough basic training and equipment for them to be available for prompt service. Mr. Dulles suggested that reference to equipment might create the idea that the United States was in a position to supply others with equipment. Senator Lodge withdrew his point but believed the language should make clear that these troops had "sufficient basic training" for prompt service.

Mr. Dulles referred to Section A of the draft resolution which provided for special emergency sessions of the Assembly. The British and French would like to confine the right to call such sessions to seven members of the Security Council, on the premise that this provision is primarily designed to deal with a case where the Security Council is balked by a veto. They believed that if the Security Council had discussed the case, but taken no action because the majority does not feel action should be taken, the provision should not permit a special session to be called. In other words, any failure of the Security Council to act which was due to substantial disagreement should not result in throwing the case into the General Assembly. The British and French noted that the Assembly could always meet in special session on its own motion, and were insistent upon the point that this provision should meet only the case of the Security Council veto and not general disagreement. He asked for the Delegation's reaction on this point.

The Secretary observed it sounded like a good logical French argument. Mr. Dulles said it was the British position as well. Mr. Cohen felt strongly opposed to accepting this position and pointed out that the Security Council situation depended upon the arbitrary circumstances of what states were represented on the Council. In Korea the Council had been able to act because the Indian representative had acted with dispatch. It seemed to him that in any case where action was needed there should be a means of promptly getting the Assembly together; the ability of the whole membership to bring the Assembly together should not be obstructed by the present rules of procedure. In the Korean case the Security Council situation had been more favorable to our position than it might be in later cases. The Secretary asked whether there was not the additional argument that the Interim Committee seemed about to go to pieces.

Mr. Bancroft stated that the really basic, underlying reasons for the British opposition to this provision was their feeling that the Assembly was a relatively irresponsible body, and they consequently did not wish to see any action taken which would encourage the Assembly. While they realized that a majority could call the Assembly into session, it would be thirteen days later under the present rules in such a case. Our philosophy, on the other hand, was to try to make the Assembly important and responsible. Mr. Bancroft opposed deleting this provision.

Ambassador Gross commented that the idea was to enable the Assembly to function continuously. He did not regard this provision as going very far. The rules of procedure could be amended in this way, and he considered our proposal a modest one. As he saw it, the British objection was based on the desire not to dramatize the General Assembly and to keep relative strength in the Security Council. Senator Lodge saw another attractive aspect of our suggestion in that it got around the veto. He asked what answer should be made to Senators following the Vandenberg resolution,¹ with respect to the elimination of the veto on procedural matters. Mr. Cohen replied that we could not make changes in the Charter without the consent of the permanent members; this resolution was a way within the framework of the Charter through which we could avoid the consequences of the veto; it indicated that we still hoped to work as far as possible through the Security Council but were faced with the fact that unless we reorganized without the Soviets, we could not change the veto provisions. Senator Lodge asked whether it was not worth putting this question up to the Soviets, but Mr. Cohen replied it had been done in the past without success.

Ambassador Austin referred to the scheme we had for over-ruling the double veto; it was very intricate and he did not recall the details. Mr. Cohen remembered the plan but the difficulty was that it only related to our differences as to what is procedure and what substance, and we could not blind ourselves to the fact that this was a fundamental problem.

The Secretary asked if it was not enough to say that from our national point of view we considered this provision desirable because in the immediate future the important thing was to get the entire United Nations machinery working on world problems and to face the Russians with such solid opinion that they would back away as they had in Korea. In Korea, if the United States had had to come in alone, there might have been trouble, but when everybody was against them,

¹ For text of United States Senate Resolution 239 of June 11, 1948, "Reaffirming the Policy of the United States in the United Nations" (the Vandenberg Resolution), see *Foreign Relations*, 1948, vol. III, p. 135. For documentation on the Security Council voting problem in the context of the discussion here, see *ibid.*, vol. I, Part 1, pp. 205 ff., and *ibid.*, 1949, vol. II, pp. 310 ff.

the Russians held off to take another look. Senator Lodge thought our Korean policy had been brilliantly managed in getting all the nations organized behind us. He thought a lot could be said for the argument that this provision would permit us to do a better job.

IO Files : US/A/C.1/1940

*Memorandum of Conversation, by Mr. G. Hayden Raynor of the
United States Delegation Advisory Staff*

CONFIDENTIAL

[NEW YORK,] September 28, 1950.

Mr. Parrott informed me that there had been a fairly full discussion of this matter at the Commonwealth meeting this morning. Mr. Bevin and Mr. Younger both made the point strongly that our proposals in general should be supported.

India, as we know, is unenthusiastic. The balance of the Commonwealth reacted quite favorably, according to Parrott, although the South Africans pointed to one or two difficulties they might have. (Ambassador Jooste of South Africa, in a separate conversation, indicated to me that the main difficulty he thought his government might have was on the proposal with respect to the creation of U.N. units in national forces. I told him that our paragraph on this was being revised.) Mr. Parrott said that representatives of the Commonwealth had been requested by Mr. Bevin to submit to him (Parrott) any amendments or suggestions that they might have.

Mr. Parrott asked if we would like for them to work out similar arrangements with the Brussels people¹ and I told him that this would be very helpful.

It was agreed that Parrott will exchange with me full information as received and that we will keep in the closest touch on this matter.

¹ Refers apparently to Belgium, the Netherlands, and Luxembourg.

320/9-2850 : Telegram

*The Acting Secretary of State to the Embassy in India*¹

SECRET

WASHINGTON, September 28, 1950—7 p. m.

466. US regards approval by GA of substance US proposals for United Action for Peace as highly important and particularly hopes for India's support. In view fact UK regards India's attitude as crucial in determining degree its support and in view some indications GOI becoming more favorably disposed toward proposals, suggest you discuss matter again with Bajpai, stressing fol points:

1) US is equally concerned that no action be taken in UN which wld provoke Sov withdrawal or provide them with valid or plausible

¹ Repeated to USUN New York (342).

pretext to withdraw. We convinced Sov attitude toward participation UN wholly realistic one; that they will remain so long as they believe it their interest do so and any decision withdraw wld be based on fundamental strategic and polit considerations unaffected by any proposals for GA resolutions. Sov failure walkout last year despite provocation Yugo election SC, their "walk back" notwithstanding presence Chi nationalists and their continued participation despite UN decisions on Korea tend strengthen this view and our belief they not now contemplate any permanent withdrawal.

2) US convinced proposals fit squarely within letter and spirit of Charter and wld thus not even provide plausible pretext Sov withdrawal. In our view Charter was conceived in broad terms as framework to be filled in by precedents and practice and we regard UN machinery created by it as flexible and capable of adaptation to changing realities without altering Charter.

3) US continues regard SC as primary organ charged with maintenance peace but any realistic view present situation must recognize possibility SC will be unable act because of veto and that GA may be required play greater role in future. Thus desirable explore more fully resources GA and improve its machinery. However, proposal does not increase GA powers any respect nor seek supplant SC by GA nor increase obligations of members take any particular action in any particular case. Suggested improvement in procedures does not operate automatically. Net result of Part A of proposal is merely amendment rules procedure but is presented in the dramatic fashion US believes psychologically desirable in order counter frustration we have already noticed among many UN members with Sov return to SC.

4) Moreover, proposal can have significant deterrent effect, both as further evidence determination UN to gird its loins to be able act promptly in event future aggression if SC stymied and in providing for observation and reporting from areas of serious tension.

US intends seek co-sponsorship these proposals by several rep Members who agree with their substance and philosophy, but we are not prepared alter substance to obtain co-sponsors. In view GOI reaction, Dept leaves your discretion whether raise possibility GOI co-sponsorship.

WEBB

320/9-2950 : Telegram

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

SECRET PRIORITY New York, September 29, 1950—3:24 p. m.

Delga 51. For Sandifer from Bancroft. There follows explanation of latest text resolution Uniting for Peace transmitted in Delga 47, September 28.¹

¹Not printed. This draft (Doc. US/A/C.1/1890/Rev. 3, September 28) effected changes in the preambular paragraphs and in numbered paragraph 8 which are reflected in the final October 7 draft (see editorial note, p. 359). The remainder of the (September 28) draft was substantially as appears in the September 25 draft (see p. 340).

1. We preferred first 2 paragraphs of preamble to revision set forth Gadel 11 on ground that express finding in paragraph 2 was important as basis for substantive provisions of resolution. Further, we thought affirmation in Department's revision difficult to reconcile with action proposed.

2. Fifth paragraph in preamble inserted because it was deleted from paragraph 8 as revised.

3. Paragraph 1 does not include reference to veto or lack of unanimity for tactical reasons. We recognize, however, that other dels may wish to reinsert it and if so we propose agree.

4. We revised latter part of paragraph 1 in order to meet British point that this resolution not encourage GA majority to call emergency sessions where there is disagreement in SC. Proposed revisions in rules of procedure provided for in paragraph 2 will make it substantively clear that majority of UN members can in fact call emergency special session.

5. We recognize that under present language last sentence paragraph 1 constitutional question under article 20 may be raised. We believe however that legal basis for our text is valid and legal argument persuasive. Thus far no del has seriously disagreed. Furthermore, we regard it as extremely important part of paragraph that emergency sessions be called when any 7 members of SC wish to, without necessity of obtaining vote in SC and consequent potential delays because of assertion of veto. There appears no other method of achieving this result. We believe that in light of language of article 20 that GA shall meet in special session as occasion may require, GA is authorized to decide in advance that it will so meet when SC fails to act in case of aggression or breach of peace and any 7 members SC deem it necessary.

6. Revision of paragraph 8 self-explanatory. Significant change lies in substitution of word "maintain" for word "designate".

7. Bracketed language in paragraph 9 inserted merely as indication that we did not have any fixed views on method of appointment military adviser and that we were considering possibility of more than one military adviser.

We propose to start intensive consultations with other dels immediately on basis text Delga 47 unless Department has further suggestions to make.

[Bancroft]
AUSTIN

320/9-3050 : Telegram

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

SECRET

WASHINGTON, September 30, 1950—1 p. m.

Gadel 18. Dept has considered Delga 46 and Delga 47.¹ With respect to para 1(a), feels that the resolution adopted by the GA should contain the phrase "because of lack of unanimity of the permanent

¹ For Delga 47, see footnote 1, p. 357.

members." Accordingly, we believe it unwise that Delegation should for tactical reasons bargain with something we ourselves think ought to be in the draft. Furthermore concept Dept desires has appeared in Secy's GA speech and in drafts which was the basis of preliminary consultations with other representatives.

Dept notes the elimination of reference to convocation of Special GA session upon request of majority members. Dept considers important the inclusion of such reference in draft either in form which appears in Delga 33,² or by reference to Article 20 of Charter. Important not to give appearance of limiting this function to seven members of SC. Retention of reference to unanimity requirement would minimize possibility of irresponsible action by majority.

WEBB

² Not printed.

Editorial Note

After continuing and close consultation with other delegations, agreement was reached on a joint draft at a meeting on the evening of October 3, between Mr. Dulles and advisers and representatives of Canada, France, Philippines, Turkey, the United Kingdom, and Uruguay, all of whom agreed to be cosponsors of the resolution with the United States. Of the changes effected as a result of the discussions, the most important occurred in Part C: a panel of military experts was substituted for a United Nations military adviser (section 9); and section 10 was detached to form a new Part D. In Part A (section 1), the words "because of lack of unanimity of the permanent members" were added after the words "*Resolves* that if the Security Council. . . ." After some further discussion, principally between the United States and British Delegations, the joint draft resolution (which became known as the Seven-Power resolution) was filed with the United Nations Secretariat on October 7 (U.N. Doc. A/C.1/576); for text, see GA (V), *Annexes*, volume II, fascicule 68, pages 4-6. This ended the phase of strictly United States diplomatic initiative.

The First Committee became seized of the matter on October 9 and remained so through October 21. At the same time, as part of the same agenda item, the First Committee considered new resolutions offered by the Soviet Union, and Syria and Iraq, respectively, as well as amendments to the joint Seven-Power draft resolution. For the proceedings of the First Committee at this time, see GA (V), *First Committee*, pages 63 ff. For the text of the draft resolution that emerged from these deliberations, a three-part resolution consisting

of the "Uniting for Peace" resolution (Part A), a Soviet resolution (Part B), and the Iraqi-Syrian resolution (Part C), see GA (V), *Annexes*, volume II, fascicule 68, pages 18-21.

All resolutions experienced some revision in committee. Those revisions relating to the Seven-Power resolution occurred in two phases. On October 13 the co-sponsors themselves offered a revised draft based on general committee discussion up to that point (U.N. Doc. A/C.1/576/Rev. 1, Oct. 13). The final draft accepted by the Committee on October 19 reflected still further changes. Together, the most important included additions to the preamble; revisions in Part A, providing that the General Assembly would make recommendations for the use of armed force *only* in cases of actual breaches of the peace or acts of aggression (and *not* on threats to the peace) and providing further that a majority of the Members of the United Nations could call an emergency special session of the General Assembly (as well as the Security Council on the vote of any seven members); revisions in Parts B and D, naming specifically the membership of the Peace Observation Committee and the Collective Measures Committee; and the inclusion of a new Part E which incorporated a proposal sponsored by Chile. For texts of all resolutions and amendments, see GA (V), *Annexes*, volume II, fascicule 68; see also *ibid.*, *First Committee*, pages 161 (paragraph 33) and 164 (paragraph 75). A legislative commentary is found also in fascicule 68, in the Report of the First Committee.

The following statements by Mr. Dulles are found in the proceedings of the First Committee (GA (V), *First Committee*): remarks introducing the joint draft resolution on behalf of the seven sponsoring powers (pages 63-65); statements regarding the authority of the General Assembly to recommend the use of armed forces (pages 117-118); explanation of changes in Part A (pages 124-125); statement regarding the naming of the five permanent members of the Security Council to the Peace Observation Commission (pages 138, 159); observations on the Soviet Union resolution regarding Article 43 forces (page 163); remarks concerning the joint Iraqi-Syrian resolution (pages 167-168).

Following general discussion of the Report of the First Committee, November 1 and 2, the General Assembly on November 3 adopted the composite resolution, after rejecting various Soviet amendments to Resolution A (Uniting for Peace) and voting individually for the several parts of that resolution. For the proceedings of the General Assembly, see GA (V), *Plenary*, volume I, pages 292 ff. For official text of Resolution 377(V), see United Nations, *Official Records of the General Assembly, Fifth Session, Resolutions*, pages 10-12.

There follow six documents which are illustrative of the response of United States diplomacy to certain developments during the First Committee phase of the legislative history of the resolution: the first four documents relate to Resolution A (Uniting for Peace), the fifth to Resolution B (the Soviet resolution), the sixth to Resolution C (the joint Iraqi-Syrian resolution).

IO Files: US/A/C.1/2102

United States Delegation Working Paper

[NEW YORK,] October 10, 1950.

PROPOSED AMENDMENTS TO SEVEN-POWER JOINT DRAFT RESOLUTION
"UNITING FOR PEACE"¹

1. Change the first line of the first paragraph of the Preamble to read: "Recognizing that the essential purposes of the United Nations are the following". (*Lebanon*)

2. Add after the first paragraph of the Preamble a new paragraph:

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

3. Amend and complete the third paragraph of the Preamble as follows: "Recalling its resolution 290 (IV) entitled 'Essentials of Peace', according to which the disregard of the principles of the Charter of the United Nations is primarily responsible for the continuance of international tension, and considering that adherence to these principles involves an obligation on Member States to give effect to the resolutions of the Security Council and the General Assembly directed toward the maintenance of international peace and security and the realization of the purposes of the United Nations." (*Lebanon*)

4. It has been suggested by Yugoslavia that the words "threat to the peace" in the fourth line of paragraph A.1. be deleted on the ground that this phrase might be interpreted as laying the ground for a preventative war.

5. Insert at the end of the first sentence of paragraph A.1. the phrase: "taking account of provisions relating to regional arrangements (Articles 52 and 53 of the Charter)." (*Lebanon*)

¹ These emerged in the general discussion phase of the "Uniting for Peace" resolution in the First Committee, October 7, and some were incorporated into the revised Seven-Power draft resolution submitted by the sponsors themselves on October 13.

6. In the second line of paragraph 8, insert the words "and equipped" after the word "organized" so that it would read: "elements so trained, organized and equipped" . . . (*Egypt*)

7. Insert in the third line after the word "available" the following: "in accordance with their respective constitutional processes," (*Peru*)

8. Insert after paragraph 8 the following unnumbered paragraph:

"Invites the Members of the United Nations to inform the Secretary-General as soon as possible of the measures taken in implementation of the preceding paragraph". (*Greece*)

Venezuela supports the Greek amendment but would prefer that such reports would be submitted to the Collective Measures Committee rather than to the Secretary-General.

9. The Egyptian proposal for line 3 is to insert after "Secretary-General" the words "and each state directly concerned".

A preferable form of this amendment, probably acceptable to the Egyptian Delegation, might read: "and with Member States as the Committee finds appropriate".

10. The Lebanese revision of paragraph 10, the significant effect of which is to add the words at the top of page 4 "deemed necessary to give affect to the resolutions adopted by the Security Council and the General Assembly".

11. A further Egyptian amendment would add to paragraph 10 a new paragraph reading as follows: "With a view to raising the general standard of preparedness against any possible aggression, the Committee shall, in discharging its duties, give priority to the equipment of the national forces of Member States which are comparatively under-equipped".

A preferable form of this amendment which might be satisfactory to the Egyptian Delegation would add a new sentence to paragraph 10 reading: "The Committee should include in its study and report on the machinery necessary for coordination among Member States to the end that there may be forces in such a degree of readiness and general location that acts of aggression in any area may be met, to the extent practicable, with resources near at hand."

12. Peru has suggested that there be inserted somewhere in the resolution the following: "Nothing in this resolution shall affect the obligation to give preference to the peaceful means of solution established by existing treaties and by regional arrangements."

13. Egypt has suggested that paragraph 5 be transferred to the end of Part D and reworded as follows: "Recommends to all governments and authorities that they cooperate with the Peace Observation Com-

mission and with the Collective Measures Committee and assist them in the performance of their functions."

14. Chile strongly urges an amendment to take care of two points of the Chilean resolution not covered in ours; namely, human rights and economic cooperation. After talking with Santa Cruz it is believed that he might agree to the following to be added as Part E of the resolution:

"12. *Recognizes*, in adopting the proposals set forth above, that enduring peace will not be secured solely by collective security arrangements to deal with breaches of international peace and acts of aggression, but that a genuine and lasting peace depends upon respect for and observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries;

"13. *Urges* Member States to respect fully and to intensify joint action, in cooperation with the United Nations, to develop and stimulate universal respect for and observance of human rights and fundamental freedoms, and to cooperate in collective efforts to achieve conditions of economic and social progress and development throughout the world."

IO Files : US/A/C.1/2120

*Memorandum of Conversations, Prepared in the United States
Delegation*

CONFIDENTIAL

[NEW YORK,] October 11, 1950.

Subject: Chilean Amendment to Uniting for Peace Resolution

Participants: Ambassador Hernan Santa Cruz,¹ Chilean Delegation
Various Members of the United States Delegation
Mr. John C. Dreier, United States Delegation

During the day the following talks took place with respect to Ambassador Santa Cruz' proposed amendments to the Resolution on Uniting for Peace.

In the morning Mr. Dulles showed Ambassador Santa Cruz the text of the amendments as redrafted by the United States Delegation. Santa Cruz took them, and said he would like to make a few small changes.

Later he returned the text to the United States Delegation with two changes, the second of which introduced a specific reference to the economic development of under-developed countries. After consultation with the American Delegation I advised Santa Cruz that we

¹ Ambassador Santa Cruz was Permanent Representative of Chile at the United Nations and Chairman of the Chilean Delegation to the General Assembly.

would accept his first change in regard to principles of the Charter, but could not accept the second in that it went further into the recommendations of specific economic measures than the First Committee should go.

Ambassador Santa Cruz then sent a note to Mr. Dulles saying that he appreciated his cooperation and assumed that since we did not accept his language both Delegations would be free to follow their respective Governments' policies. I spoke to Santa Cruz again, saying that I thought it was a shame to have to give up our attempt to reach an agreement over such a small difference in language. He was friendly enough, but rather abruptly said that he had drafted his own new amendments to table during the afternoon. I urged him to speak with Mr. Dulles once again before doing so, and obtained from him a copy of his proposed independent amendment.

At the Sponsors' Meeting at 2:15 there was considerable discussion of this suggestion. It was evident that although some cosponsors did not like the idea of Santa Cruz' amendments, others felt that they would obtain considerable support for the Resolution among several states. Mr. Dulles was then asked to speak with Santa Cruz again, and see if it would not be possible to have him refrain from submitting his own amendments and agree upon the language which we had discussed earlier this morning.

In view of the feeling of the group of Sponsors, the United States Delegation agreed to this proposal and Mr. Dulles quickly reached agreement with Ambassador Santa Cruz to accept the amendments as revised by Santa Cruz this morning. Santa Cruz accordingly said he would not put in any independent resolution or amendment.

The text of the Chilean amendment as finally agreed upon is as follows:

"12. *Recognizes*, in adopting the proposals set forth above, that enduring peace will not be secured solely by collective security arrangements to deal with breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all the principles and purposes established in the Charter of the United Nations, and especially upon respect for and observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries; and accordingly

Urges Member States to respect fully and to intensify joint action, in cooperation with the United Nations, to develop and stimulate universal respect for an observance of human rights and fundamental freedoms and to intensify individual and collective efforts to achieve conditions of economic stability and social progress, particularly through the development of underdeveloped countries and areas."

IO Files: US/A/C.1/2116

Memorandum of Conversation, by Mr. Wells Stabler of the United States Delegation Advisory Staff

CONFIDENTIAL

[NEW YORK,] October 11, 1950.

Subject: Uniting For Peace

Participants: Mr. Moshe Sharett,¹ Israel Delegation
Mr. Abba Eban,² Israel Delegation
Mr. John F. Dulles, United States Delegation
Mr. Wells Stabler, United States Delegation

Mr. Sharett said that his Delegation would give careful consideration to our resolution and felt that as the Korean resolution had flowed from North Korean aggression, this resolution logically flowed from Soviet tactics in the Security Council. His Delegation had not resolved their doubts as to whether the resolution fell within the four walls of the Charter. However, he wished us to know that his Delegation fully approved its aims and objectives. This whole question of collective security was of vital importance to Israel and if it were really effective, could mean the salvation of small states like Israel.

Mr. Sharett stated that one of his principal concerns was what effect such a resolution would have on the USSR—would it bring the Soviets into line and consequently be conducive to peace, or would it force them out of the UN and give impetus to their present momentum?

Mr. Dulles reviewed our position and pointed out that it was very doubtful whether this or that resolution would have any real effect on the basic plans of the Soviet Union. Speculation on what the Soviets might do if the resolution were adopted was fruitless as it was impossible to foresee with any certainty what their exact plans are. However, it was quite clear in our mind what would happen if such a resolution were not passed. The UN must be prepared to act in cases of aggression and the member states must have a real feeling of responsibility in connection with collective security. The real question was whether member states were concerned with discharging these responsibilities, or whether they were merely "along for the ride" and expected the United States to come to their assistance if they were attacked. In the case of Korea, the United States, although not prepared, and although our action has meant a re-direction of our national economy, undertook the principal burden, and public opinion in this country accepted that. However, in a future case of

¹ Israeli Minister for Foreign Affairs and Chairman of the Israeli Delegation to the General Assembly.

² Mr. Eban was Permanent Representative of Israel at the United Nations.

aggression, public opinion would hardly understand if other countries of the world would not take their full share in combating such aggression.

Mr. Sharett said he fully understood these views and reiterated that an effective system of collective security was of utmost importance to his country. He then said that he felt that the resolutions as now drafted permitted the calling of a special session in the event of merely a threat to the peace. Such a possibility reinforced the feeling of many that this resolution had as its objective the complete by-passing on all matters of the Security Council.³ Mr. Dulles explained that certain of the sponsors had felt that the language in this section should follow the language of the Charter. He indicated that discussions were still continuing with respect to this section and he himself believed that the inclusion of "threat to the peace" should be deleted. Mr. Sharett stated that he fully agreed with this and that the deletion of this phrase would greatly strengthen the resolution as it would provide for this emergency action only in the event that the Security Council had failed to meet its responsibilities in connection with actual breaches of the peace. He expressed appreciation for the exposition of our views which Mr. Dulles had given him and reiterated his support for the principles and objectives of this resolution.

WELLS STABLER

³ Sharett's point of view was put somewhat more precisely, as reported in a memorandum of conversation by Mr. John C. Ross, Deputy United States Representative on the Security Council (IO Files, Doc. US/A/C.1/2147, October 12, 1950): "... he [Sharett] felt that the occasion for calling the General Assembly into session should be restricted to an actual breach of the peace or act of aggression and that the Assembly should not be called if there were merely an imagined threat to the peace. . . ."

320.2 AB/10-1950

Memorandum of Telephone Conversation, by the Deputy Assistant Secretary of State for United Nations Affairs (Sandifer)

SECRET

[WASHINGTON,] October 19, 1950.

Participants: The Secretary [of State]

Mr. John Foster Dulles

Mr. Durward V. Sandifer, UNA (present but not participating)

By arrangement made at Mr. Dulles' request, the Secretary called Mr. Dulles at the Mission in New York last night at 10 o'clock. As it was indicated that Mr. Dulles would want to discuss the composition

of the Peace Observation Commission under the Action for Peace Resolution, the Secretary asked that I be present to brief him before the call.¹

After listening to a fairly long explanation by Mr. Dulles on the telephone, the Secretary told Mr. Dulles with respect to the Peace Observation Commission that it was the firm view of the Department that it would be undesirable for the great powers to be members of the Commission. He said that the reasons for this had already been communicated to the Delegation. The Secretary said that he thought that we should reiterate this view in discussion with the sponsoring powers and, if the opportunity offered, it should be stated again in Committee discussion. He recognized that we could not be obstinate on this point if strong majority sentiment had crystallized in favor of having the great powers on the Commission. Subject to the foregoing remarks, he left to Mr. Dulles' discretion the matter of tactics to be followed with the sponsoring powers and in the Committee, reiterating that our position on this question should be made clear. So far as I could tell from listening to the conversation, there was no discussion of the question of any other members of the Commission.²

¹ The background of the problem was described by Mr. Dulles to the United States Delegation, as follows:

"Mr. Dulles reported that the [First] Committee had unexpectedly voted on the preamble and parts of the "Uniting for Peace" resolution, all of which had been adopted [Oct. 18]. . . . There had been no vote on the resolution as a whole, because it had not been decided who would be on the two commissions at that time. This vote would come this afternoon after the members of the commissions were named.

"Turning to the composition of these bodies, the question was whether the Soviets should be included on the two commissions. First, there was the Collective Measures Committee, which had the task of developing plans for the use of armed forces and which would be the body to which members would report on their progress in this regard. Mr. Dulles felt that the Soviets should not serve on this committee. They had opposed the theory involved in its creation, and nothing but obstruction could be expected from them. In fact, members probably would not report freely to the commission if the Soviets were represented.

"Turning to the Peace Observation Commission, he considered that the matter was somewhat different. It had been our thought that this commission should be composed of states which would be dependable and largely neutral. The Soviets had voted for this provision of the resolution and supported it all along. They had indicated their desire to be represented, and there was strong sentiment in the Committee favoring their representation. He felt, in general, that it was unwise to shift powers away from the Security Council and then systematically exclude the Soviets from committees set up in pursuance of this plan. He thought, for these reasons, it would be all right to include the Soviets on this commission. . . ." (Extract from Minutes of the 24th Meeting of the U.S. Delegation, New York, October 19, 1950, 9:15 a. m., IO Files, Doc. US/A/M(Chr)/159)

² At the United States Delegation meeting on October 19, Mr. Dulles reported that he had discussed the matter of the membership of the Peace Observation Commission with the Secretary of State, ". . . and he [Acheson] concurred with his [Dulles] recommendations. . . . we [the United States Delegation] would proceed along the lines he had just described unless the Delegation perceived objection. . . ." (IO Files, Doc. US/A/M(Chr)/159).

Mr. Dulles raised the question of the possible participation of Russia in the Collective Measures Committee. The Secretary said that we should hold absolutely firm in opposition to the election of the Russians to this Commission.

320/10-1150: Telegram

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

SECRET

WASHINGTON, October 14, 1950—1 p. m.

Gadel 45. Re Delga 109 and 105 of Oct 11 Dept views re proposed Sov resolutions set forth in reftels¹ as follows:

1. Objective in dealing with proposed Sov res. Delga 109 shld be to amend Sov. res in such manner that Soviets cannot support amended res without likewise approving res on united action for peace. Amendments shld if possible have broad support among sponsors our res and other friendly dels. Dept suggests fol text might accomplish above objective:

"The General Assembly recommends to the Security Council that it should take the necessary steps to ensure the taking of the action provided under the Charter in case any threat to the peace or act of aggression is declared and to secure the peaceful settlement of disputes or situations likely to threaten the maintenance of international peace and security; and again recommends to the permanent members of the Security Council that they broaden progressively their cooperation and exercise restraint in the use of the veto in order to make the Security Council a more effective instrument for maintaining peace, as called for by the General Assembly resolution of December 1, 1949, A 1167, and that they implement the recommendations of the GA concerning voting in the Security Council as set forth in the GA res of Apr 20, 1949, S/1412.

"That it should decide on measures to secure the rapid application of Articles 43, 45, 46, and 47 of the Charter of the UN relating to the placing of armed forces at the disposal of the SC by the states members of the UN and the effective operation of the SC, as recommended in the GA res. of Dec. 14, 1946 and that as a first step it should act on the report of the Military Staff Committee submitted to the UN SC on Apr 30, 1947, entitled 'General Principles Governing the Organization of the Armed Forces Made Available to the SC by Member nations of the UN' and should thereafter prepare a draft

¹ For texts of the two Soviet draft resolutions under reference, see GA (V), *First Committee*, pp. 161 (paragraph 33) and 164 (paragraph 75). USUN reported in Delga 105 the text of the former and the latter in Delga 109. The last-named resolution was the Soviet resolution subsequently adopted (after revision) by the General Assembly as Resolution B of the composite resolution on United Action for Peace on November 3; the other was rejected by the First Committee and never went to the General Assembly.

standard form of agreement for use in the implementation of Article 43."

2. Dept believes proposed Sov res. Delga 105 is intended as trap to nullify joint draft res.² Therefore preferred course wld be to vote it down. Dept. recognizes that this course may not be feasible since res to great extent merely repeats Charter language. Therefore Sov res might be amended to insure that nothing in Sov res will have effect of delaying or interfering with (a) the setting up of machinery provided in joint res on uniting for peace; (b) the utilization of such machinery in any particular situation.

ACHESON

² This (subsequently) rejected Soviet resolution was based on Article 106 of the Charter of the United Nations, which stipulated that the permanent members of the Security Council should consult with one another with a view to joint action for the maintenance of international peace and security, pending the coming into force of such special agreements as were referred to in Article 43 (that is, regarding United Nations armed forces).

320/10-1350 : Telegram

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

SECRET

WASHINGTON, October 16, 1950—7 p. m.

403. Ref Delga 119.¹ Dept suggests fol gen course of action re Iraq-Syria res regarding United Action for Peace.

1. Preferred course of action is that US Del shld, after consultation with UK and France, seek urgently to persuade Iraq and Syria to withdraw res.

2. Dept agrees with gen point of view expressed by Younger² Oct 15 that opposition to consultation with USSR wld place US and other democratic states in bad position vis-à-vis world public opinion. Opposition might likewise have unfortunate domestic political repercussions. Furthermore, entirely possible that res might carry with Sov support, despite US opposition.

3. Dept agrees fully with view expressed by Dulles that 4 power discussions at this time wld be futile and might divert US and world public opinion from task of going forward with program of strengthening the free world position both within and outside UN with particular reference to rearmament effort.

¹ Not printed.

² Kenneth G. Younger, British Minister of State (Foreign Office), Member of the British Delegation to the General Assembly.

4. Therefore, Dept suggests that if course of action suggested in para 1 is unsuccessful, Syria-Iraq res shld be amended along gen lines of Mex Res in GA of Nov 3, 1948 (A/PV 154).³

5. Specifically Dept suggests three possible amendments:

a) The last para of the preamble placing blame for present situation equally on Western democracies and USSR shld be omitted.

b) The Dept is inclined to believe that the time limit for termination of discussions shld be eliminated or extended beyond the present session of the GA. Dept influenced in this conclusion by belief that in absence of such amendment, present session GA will be unable to take action on any matters where disagreement between West and USSR until Great Powers have reported results of discussions and GA has debated reports. This wld completely frustrate present session of GA. Amendment of this nature wld be consistent with US position that always willing to consult with Soviets on critical problems. At same time such amendment wld recognize factual situation that discussions without advance preparation wld certainly be futile. Dept's views on this matter differ from positions tentatively taken by UK, France, etc. during discussions Oct. 15. Dept believes important res also not specify any set time for commencement talks. This will preserve flexibility and open possibility avoiding talks unless some useful purpose develops.

c) The res shld make it clear that 4 powers shld not discuss problems in the solution of which other states have strong interests and shld not make agreements at expense of other states. Dept believes that it wld probably not be advisable to list in res possible subjects of discussion.

6. You shld consider advisability of attempting to secure Iraq-Syrian sponsorship of or at least consent to proposed amendments.

7. Prior any discussions with Iraq or Syria reps, you shld have further discussions with France, UK and such other friendly delegations as you deem advisable, especially, since Dept's views as to time limits of consultations differ from those expressed in discussions at Mr. Dulles' home on Oct 15.

8. Since the initiative for any consultations wld come from UN, Dept's position is that 4 powers shld not be represented by foreign secretaries.

9. If it is not possible to secure amendments along lines suggested herein, Dept's view is that US shld abstain on res.

10. If proposal made to include Chinese in discussions US shld not oppose.

ACHESON

³ For documentation on this subject, see *Foreign Relations*, 1948, vol. I, Part 1, pp. 89 ff.

ATTITUDE OF THE UNITED STATES TOWARD THE LIE TWENTY-YEAR PEACE PLAN, SOVIET PEACE PROPAGANDA AT THE UNITED NATIONS, AND RELATED MATTERS

310/4-2050

Memorandum of Conversation, by the Secretary of State

CONFIDENTIAL

[WASHINGTON,] April 20, 1950.

I met Mr. Trygve Lie in the President's outer office and talked with him for ten or fifteen minutes while waiting for our appointment.¹ In the course of our talk he gave me the attached memorandum,² which he said had been prepared by him with the assistance of the Assistant Secretaries General,³ including the Russian, and had the approval of all of them. Also Mr. Feller⁴ had worked on it and approved it. He said he was going to leave another copy with the President, which he subsequently did. He said he would expect no comment from either of us at this time and that perhaps after his return from Europe he might request us to comment upon it.

I read the memorandum hurriedly while I was sitting with him. The only comment I made was to draw his attention to the sentence at

¹ The Secretary-General was scheduled to leave for a visit to certain European capitals on April 21; for his account of the genesis of this trip, see Trygve Lie, *In The Cause of Peace* (New York, 1954), pp. 262-264 and pp. 275-283 *passim*. Mr. Lie had requested an opportunity to see President Truman before leaving, to explain to the President his views on the "present situation" in the United Nations. This referred to the existing impasse in the Security Council and other United Nations organs occasioned by the "walk-outs" of the Soviet Union beginning with the Security Council on January 13 over the question of Chinese representation; for documentation on this subject, see pp. 186 ff. A briefing memorandum prepared for the President on this matter is not printed (memorandum for the President, April 19, File No. 330/4-1950). The memorandum also included a brief consideration of the impending problem of the appointment of a new secretary-general, Mr. Lie's term being due to expire in February 1951; for documentation on this subject, see pp. 87 ff.

² *Infra*.

³ The Assistant Secretaries General included Constantin E. Zinchenko, Department of Security Council Affairs; David K. Owen, Department of Economic Affairs; Henri Laugier, Department of Social Affairs; Victor Hoo, Department of Trusteeship and Information from Non-Self-Governing Territories; Benjamin Cohen, Department of Public Information; Ivan S. Kerno, Legal Department; Shamaldharee Lall, Conference and General Services; and Byron Price, Administrative and Financial Services.

⁴ Abraham H. Feller, General Counsel and Director, Legal Department of the United Nations Secretariat.

the top of page 4, "Clearly disarmament requires an atmosphere of confidence in which political disputes are brought nearer to solution." I said that all the problems and difficulties we had required for their solution an atmosphere of confidence, which clearly could not exist so long as the Soviet system was engaged in aggressive designs to subvert, giving as illustrations Eastern Germany, Austria, and Indo China. He did not dissent from this, but seemed to believe that in some way the steps suggested by the memorandum would help. I did not debate the matter with him.

In our talk with the President, he said the following:

1. The UN was getting three portraits and it wished to get a fourth to hang in its new building. It had already arranged for portraits of Roosevelt,⁵ Churchill,⁶ and Stalin.⁷ They very much wished to obtain a portrait of the President. His request, which he asked the President to consider, was that the President should select an artist and that the UN would then employ the artist to paint a portrait of the President. The President said that he would be glad to consider this suggestion.

2. Mr. Lie then gave the President a copy of the memorandum which he asked the President to read at his leisure. He said that nothing could be done along the lines of the memorandum until the question of Nationalist member as the Chinese representative was terminated. He discussed this matter along familiar lines.

I asked him whether it was his view that merely terminating Chinese membership would solve the question or whether he was also implying the positive action of seating the Communist member would be necessary. He was inclined to think that the first would lead to the return of the Russians to the UN. I told him that I had understood that he had understood from Mr. Malik⁸ that they would return only for the purpose of voting in the Communists. He said that it was his impression that Mr. Malik had changed his view on this, but Mr. Lie was not sure.

3. He then went on to discuss how important a part the UN had played in stopping Communism in Greece, in Korea, and Indonesia. I did not say, but I thought, that he had left out the most important element, which was American economic and political and military help.

4. He then said he thought Stalin was misinformed about American policy and intentions and that he had once said this to Stalin, who then sent for and showed him a large bundle of clippings from the Ameri-

⁵ Franklin D. Roosevelt, President of the United States, 1933-1945.

⁶ Winston L. S. Churchill, British Prime Minister, 1940-1945.

⁷ Iosif Vissarionovich Stalin, Generalissimo, Chairman of the Council of Ministers of the Soviet Union.

⁸ Yakov A. Malik, Representative of the Soviet Union on the Security Council.

can press to indicate that he was up to date on American thought. Mr. Lie still thought, however, that he was misinformed and that a meeting with President Truman would be of great help.

The President said that he had met with Stalin at Potsdam;⁹ that he had gone there with every desire to work out problems, and that he had been completely disillusioned on the usefulness of such meetings. Mr. Lie said that the President's power and prestige in 1950 was very different from his position in 1945. The President said that on numerous occasions he had said he would be willing to invite Stalin, as he had invited other Chiefs of State, to be his guest in Washington, but that he was not going anywhere else to meet him.

I said that the nature of our difficulties with the Russians was of such a character that it did not seem to me that changing the level of discussion was going to produce solutions. We had to change the environment in which the difficulties were discussed.

5. Mr. Lie and the President then agreed on what Mr. Lie should say to the press, which was merely that he had come to call on the President, whom he had not seen since the laying of the cornerstone, in order to have a general talk about UN matters before going on an extended trip. He said he would not add anything else. The President agreed to this statement.

⁹ For documentation on the Potsdam Conference, July 16–August 2, 1945, see *Foreign Relations*, 1945, The Conference of Berlin (The Potsdam Conference), 2 vols.

Department of State Disarmament Files : Lot 58 D 133 : No. 777–25

*Memorandum by the Secretary-General of the United Nations. (Lie)*¹

CONFIDENTIAL

[NEW YORK, April 20, 1950.]

MEMORANDUM OF POINTS FOR CONSIDERATION IN THE DEVELOPMENT
OF A 20-YEAR PROGRAM FOR ACHIEVING PEACE THROUGH THE UNITED
NATIONS

As Secretary-General, it is my firm belief that a new and great effort must be attempted to end the so-called "cold war" and to set the world once more on a road that will offer greater hope of lasting peace.

The atmosphere of deepening international mistrust can be dissipated and the threat of the universal disaster of another war averted by employing to the full the resources for conciliation and constructive

¹ For United Nations published documentation on the Secretary-General's peace program, see United Nations, *Official Records of the General Assembly, Fifth Session, Annexes*, vol. II, fascicule 60; hereafter cited as GA (V), *Annexes*, vol. II.

peace-building present in the United Nations Charter.² The employment of these resources can secure eventual peace if we accept, believe and act upon the possibility of peaceful co-existence among all the Great Powers and the different economic and political systems they represent, and if the Great Powers evidence a readiness to undertake genuine negotiation—not in a spirit of appeasement—but with enlightened self-interest and common sense on all sides.

Measures for collective self-defense and regional remedies of other kinds are at best interim measures, and cannot alone bring any reliable security from the prospect of war. The one common undertaking and universal instrument of the great majority of the human race is the United Nations. A patient, constructive long-term use of its potentialities can bring a real and secure peace to the world. I am certain that such an effort will have the active interest and support of the smaller Member States, who have much to contribute in the conciliation of Big Power differences and in the development of constructive and mutually advantageous political and economic cooperation.

I therefore venture to suggest certain points for consideration in the formulation of a 20-year United Nations Peace Program. Certain of these points call for urgent action. Others are of a long-range nature, requiring continued effort over the next 20 years. I shall not discuss the problems of the peace settlements for Austria, Germany and Japan—because the founders of the United Nations indicated that the peace settlements should be made separately from the United Nations. But I believe that the progress of a United Nations Peace Program such as is here suggested will help to bring these settlements far closer to attainment.

1. *Inauguration of periodic meetings of the Security Council,³ attended by foreign ministers, or heads or other members of governments, as provided by the United Nations Charter and the rules of procedure; together with further development and use of other United Nations machinery for negotiation, mediation and conciliation of international disputes.*

The periodic meetings of the Security Council provided for in Article 28 of the Charter have never been held. Such periodic meetings should be held semi-annually, beginning with one in 1950. In my opinion, they should be used for a general review at a high level of outstanding issues in the United Nations, particularly those that divide the Great Powers. They should not be expected to produce great decisions every time, they should be used for consultation—much of

² Signed at San Francisco, June 26, 1945; for text, see 59 Stat. 1031 or Department of State Treaty Series No. 993.

³ Documentation on this proposal is scheduled for publication in volume I.

it in private—for efforts to gain ground toward agreement on questions at issue, to clear up misunderstandings, to prepare for new initiatives that may improve the chances for definitive agreement at later meetings. They should be held away from Headquarters as a general rule, in Geneva, the capitals of the Permanent Members and in other regions of the world.

Further development of the resources of the United Nations for mediation and conciliation should be undertaken, including re-establishment of the regular practice of private consultations by the representatives of the five Great Powers, and a renewed effort to secure agreement by all the Great Powers on limitations on the use of the veto power in the pacific settlement procedures of the Security Council.

2. *A new attempt to make progress toward establishing an international control system for atomic energy that will be effective in preventing its use for war and promoting its use for peaceful purposes.*⁴

We cannot hope for any quick or easy solution of this most difficult problem of atomic energy control. The only way to find out what is possible is to resume negotiation in line with the directive of the General Assembly last fall “to explore all possible avenues and examine all concrete suggestions with a view to determining what might lead to an agreement”. Various suggestions for finding a basis for a fresh approach have been put forward. One possibility would be for the Security Council to instruct the Secretary General to call a conference of scientists whose discussions might provide a reservoir of new ideas on the control of weapons of mass destruction and the promotion of peaceful uses of atomic energy that could thereafter be explored in the United Nations Atomic Energy Commission. Or, it may be that an interim agreement could be worked out that would at least be some improvement on the present situation of an unlimited atomic arms race, even though it did not afford full security. There are other possibilities for providing the basis for a new start; every possibility should be explored.

3. *A new approach to the problem of bringing the armaments race under control, not only in the field of atomic weapons, but in other weapons of mass destruction and in conventional armaments.*

Here is another area where it is necessary to re-activate negotiations and to make new efforts at finding some area of common ground. It must be recognized that up to now there has been virtually a com-

⁴ Documentation on this subject is scheduled for publication in volume I.

plete failure here and that the immediate prospects seem poor indeed. Clearly disarmament requires an atmosphere of confidence in which political disputes are brought nearer to solution. But it is also true that any progress at all towards agreement on the regulation of armaments of any kind would help to reduce cold war tensions and thus assist in the adjustment of political disputes. Negotiation on this problem should not be deferred until the other great political problems are solved, but should go hand-in-hand with any effort to reach political settlements.

4. *A renewal of serious efforts to reach agreement on the armed forces to be made available under the Charter to the Security Council for the enforcement of its decisions.*

A new approach should be made towards resolving existing differences on the size, location and composition of the forces to be pledged to the Security Council under Article 43 of the Charter. Basic political difficulties which may delay a final solution should not be permitted to stand in the way of some sort of an interim accord for a small force sufficient to prevent or stop localized outbreaks threatening international peace. The mere existence of such a force would greatly enhance the ability of the Security Council to bring about peaceful settlements in most of the cases which are likely to come before it.

5. *Acceptance and application of the principle that it is wise and right to proceed as rapidly as possible toward universality of membership.*⁵

Fourteen nations are now awaiting admission to the United Nations. In the interests of the people of these countries and of the United Nations, I believe they should all be admitted, as well as other countries which will attain their independence in the future. It should be made clear that Germany and Japan would also be admitted as soon as the peace treaties have been completed.

6. *A sound and active program of technical assistance for economic development and encouragement of broad scale capital investment, using all appropriate private, governmental and inter-governmental resources.*⁶

A technical assistance program is in its beginnings, assisted by the strong support of the President of the United States. Its fundamental purpose is to enable the people of the under-developed countries to raise their standard of living peacefully by specific and practicable measures. It should be a continuing and expanding program for the

⁵ For documentation on this issue, see pp. 87 ff.

⁶ Documentation regarding the general policy of the United States with respect to technical assistance is scheduled for publication in volume I.

next 20 years and beyond, carried forward with the cooperation of all Member Governments, largely through the United Nations and the Specialized Agencies with mutual beneficial programs planned and executed on a basis of equality rather than on a basis of charity. Through this means the opportunities can be opened up for capital investment on a large and expanding scale. Here lies one of our best hopes for combating the dangers and costs of the cold war.

7. *More vigorous use by all Member Governments of the Specialized Agencies of the United Nations to promote, in the words of the Charter, "higher standards of living, full employment and conditions of economic and social progress."*

The great potentialities of the Specialized Agencies to participate in a long-range program aimed at drastically reducing the economic and social causes of war, can be realized by more active support from all Governments, including the membership of the Soviet Union in some or all of the Agencies to which it does not now belong. The expansion of world trade which is vital to any long-range effort for world betterment requires the early ratification of the Charter of the International Trade Organization.

8. *Vigorous and continued development of the work of the United Nations for wider observance and respect for human rights and fundamental freedoms throughout the world.*

It is becoming evident that the Universal Declaration of Human Rights, adopted by the General Assembly in 1948⁷ without a dissenting vote, is destined to become one of the great documents of history. The United Nations is now engaged on a program that will extend over the next 20 years—and beyond—to secure the extension and wider observance of the political, economic, and social rights there set down. Its success needs the active support of all Governments.

9. *Use of the United Nations to promote, by peaceful means instead of by force, the advancement of dependent, colonial or semi-colonial peoples, towards a place of equality in the world.⁸*

The great changes which have been taking place since the end of the war among the peoples of Asia and Africa must be kept within peaceful bounds by using the universal framework of the United Nations. The old relationships will have to be replaced with new ones of equality and fraternity. The United Nations is the only instrument capable of bringing such a transition to pass without violent upheavals

⁷ Documentation on this subject is included in *Foreign Relations*, 1948, vol. 1, Part 1, pp. 289 ff.

⁸ For documentation on the U.S. attitude regarding problems relating to dependent territories, see pp. 434 ff.

and with the best prospect of bringing long-run economic and political benefits to all nations of the world.

10. *Active and systematic use of all the powers of the Charter and all the machinery of the United Nations to speed up the development of international law towards an eventual enforceable world law for a universal world society.*⁹

These three last points deal with programs already under way to carry out important principles of the United Nations Charter. They respond to basic human desires and aspirations and coordinated efforts by all Governments to further these programs are indispensable to the eventual peaceful stabilization of international relations. There are many specific steps which need to be taken for example, under Point 10, ratification of the Genocide Convention, greater use of the International Court of Justice, and systematic development and codification of international law. More important is that Governments should give high priority in their national policies to the continued support and development of these ideals which are at the foundation of all striving of the peoples for a better world.

What is here proposed is only an outline of preliminary proposals for a program; much more development will be needed. It is self-evident that every step mentioned, every proposal made, will require careful and detailed, even laborious preparation, negotiation and administration. It is equally self-evident that the necessary measure of agreement will be hard to realize most of the time, and even impossible some of the time. Yet the world can never accept the thesis of despair—the thesis of irrevocable and irreconcilable conflict.

⁹ The United States played a decisive role in the inception of this program; see *Foreign Relations*, 1946, vol. I, pp. 525 ff.

Editorial Note

Subsequently Secretary-General Lie personally handed his memorandum to British Prime Minister Attlee in London (April 28), French Premier Bidault in Paris (May 3), and Chairman Stalin in Moscow (May 15). For the Secretary-General's account of the visit to Moscow and the visits to London and Paris en route to and from Moscow, see Trygve Lie, *In The Cause of Peace* (New York, 1954), pages 275 ff. Documentation on the Secretary-General's progress, as reported by the United States Embassies in those capitals, is not printed; this is located in the central indexed files of the Department

of State in the following cases: 310.357, 310.5, 315, 320, 330, 661.00, and 850.33.

Secretary's Memoranda : Lot 53 D 444 : Box 419

*Memorandum of Conversation, by the Assistant Secretary of State
for United Nations Affairs (Hickerson)*

SECRET

[WASHINGTON,] May 29, 1950.

Participants: The Secretary
Assistant Secretary Hickerson
Mr. Trygve Lie, Secretary-General of the United Nations
Mr. Byron Price, Assistant Secretary-General

On Wednesday, May 24, the United Nations Secretariat called Mr. Hickerson and asked for an appointment for Mr. Lie to see the President and the Secretary. At the Secretary's request, Mr. Lie, accompanied by Assistant Secretary-General Byron Price, came in at 10:30 this morning. The Secretary later arranged for him to be received by the President at 12:45 today during the Secretary's conference with the President.

Mr. Lie opened the conversation by saying he wished to inform us immediately and completely about his trip. He said that in Moscow, his reception had been "cold and correct". He said that he spent approximately an hour and a half with Stalin. Molotov¹ and Vishinsky² were present. He said that all three of the Soviet officials had been well briefed. Stalin had before him a copy of Lie's ten-point memorandum, which he had given to Washington, London, Paris and Moscow, and Stalin had what appeared to be notes in his own handwriting in the margin opposite each point.³

Mr. Lie said that he opened the conversation by stating that he wished to do everything he could through the United Nations to contribute to the lessening of the tension in the world, and that he had prepared his ten-point memorandum with that in view. With this start, he led into the subject of a possible special meeting of the Security Council. He pointed out that Presidents Roosevelt and Truman had traveled long distances to meet Mr. Stalin and that President Truman had recently said that Mr. Stalin would be welcome in Washington at any time. Lie continued that if a meeting were

¹ V. M. Molotov, Vice Chairman, Soviet Council of Ministers.

² Andrei Y. Vyshinsky, Soviet Minister of Foreign Affairs.

³ In his published account Mr. Lie states that he gave a copy of the memorandum to the Soviet Foreign Minister on May 12. Stalin had an annotated copy in front of him when he was handed a copy by the Secretary-General on May 15.

arranged, it would not have to be in Washington and mentioned Key West⁴ as a possibility. Alternatively, he said meetings might well be held in Switzerland or some other country in Europe.

Lie said that Stalin commented at once that a meeting was "not a burning point." Stalin went on to say that in his opinion in advance of any such meeting there should be careful diplomatic preparation in order that positive results might be achieved. Stalin said to him the place of the meeting was not important and that he was interested in results.

Mr. Lie said that at this point Mr. Molotov made an attack on him and said that he was pretending to act as a mediator, but that he was really taking the American viewpoint. As an illustration of this, Molotov criticized the omission of China from Mr. Lie's memorandum. Lie says that he replied at once that he was acting as the Secretary-General of the United Nations to make such contribution as he could toward lessening tension and that he was not a mediator; he continued that he was not taking anybody's point of view other than that of the Secretary-General in his memorandum and that he had no doubt that some of his statements would be criticized by the Americans as well as the Russians. Molotov, as an illustration of Lie taking the American point of view, referred to his comments on the restriction of the veto. Lie said that he inquired whether Molotov felt that this topic should be omitted from the memorandum, and Molotov agreed that he did not. Lie said he referred to the discussion going on in the Interim Committee on this subject and inquired whether the Russians really felt that it was a good idea for them not to be present at these discussions.⁵

At this point, Lie said the conversation shifted to atomic energy. Stalin said that what he wants is prohibition of atomic bombs—prohibition of their manufacture and use. Lie said that he commented that everybody wants prohibition, but that effective control is essential to an agreement. Lie mentioned the recent International Red Cross proposal, with which Stalin wasn't familiar. Stalin commented that Lie's memorandum "by-passed" important Soviet proposals in regard to reduction of conventional armaments. Mr. Lie said he replied that he had not endeavored to make his memorandum a complete account of everything that had happened in recent years but merely to suggest certain topics for further discussion. He said that the same applied to Mr. Molotov's criticism of his comments on making forces

⁴ Key West, Florida, a vacation retreat of President Truman's.

⁵ At the bidding of the General Assembly the Interim Committee of the General Assembly had had the Security Council voting question under review since 1948. The Soviet Union did not recognize the existence of the Interim Committee and did not participate in its meetings or work in any way.

available to the Security Council of Article 43, which was next mentioned. Lie said that Stalin expressed a keen interest in technical assistance. He said it should be done exclusively through the United Nations. Stalin also expressed keen interest in international trade. Mr. Lie said that on this point he asked Stalin why Russia didn't join the ITO.⁶ Stalin said that it was a "good charter" and that the Soviet Union might accept it with a few changes to permit state trading. He said that U.S. discrimination against Eastern European trade must be ended.⁷ He said that Russia wants trade. Stalin continued that immediately on the end of hostilities Russia badly needed credit to repair the war damage but that since credits were not forthcoming, the damage had been largely repaired by Russia's own efforts. Now, Stalin said, Russia needs trade—not credits.⁸

Lie said that he mentioned briefly in his discussion with Mr. Stalin the desirability of the Soviet Union joining the Specialized Agencies of the UN; in particular, he urged that the USSR rejoin WHO and that it join FAO, ILO, and UNESCO. Stalin said that he would take this suggestion under consideration.

Mr. Lie said that he discussed also with Stalin the return of Greek children to their families, the Austrian treaty and the possibility of elections in the entire city of Berlin, supervised by the United Nations. Stalin made no significant comments on any one of those subjects.

Mr. Lie said that in this point in the conversation, he inquired categorically whether it could be said that the Soviet Union would favor periodic meetings with the Security Council when the Chinese representation question is settled. Mr. Stalin replied that subject to the comments he had made earlier about preparation, the answer was yes. Mr. Lie then inquired whether his memorandum would be regarded by the Soviet Union as a suitable basis for the preparation of an agenda for such a meeting, it being understood that any of the interested countries was free to propose additional items or changes. Again he said the answer was yes.

Mr. Lie said that Mr. Stalin, who had come to his rescue when Molotov accused him of being pro-American, returned at this point of the conversation to the unhappy lot of the mediator. He said that

⁶ A reference to the proposed International Trade Organization as projected at the United Nations Conference on Trade and Employment held at Habana, November 1947–March 1948 and in the draft Charter formulated by the conference; for documentation on this subject, see *Foreign Relations*, 1948, vol. 1, Part 2, pp. 802 ff. Subsequent developments with respect to the ITO are scheduled for publication in volume 1.

⁷ Documentation on U.S. policy regarding East-West trade is scheduled for publication in volume iv.

⁸ For documentation regarding U.S. loan policy at the end of World War II, see *Foreign Relations*, 1946, vol. 1, pp. 1391 ff.

any mediator was certain to be criticized by both sides, but that he should remember that the "middle way would win".

Lie said that he later discussed with Vishinsky the question of what he (Mr. Lie) would report to the United Nations in regard to his trip. Lie said that he explained that he felt himself under obligation to make some report to the members, and that if he did this he should report what each of the four countries had told him (with the risk of misunderstanding), or that as an alternative, he should make a report without quoting anybody. Vishinsky had replied that he had no preference in this matter, and Mr. Lie said he would have to consider this question further.

When he returned to Paris, Mr. Lie said he had conversations with Messrs. Schuman⁹ and Bidault, and the French Government showed its willingness to agree with his two proposals; that is, there should be a special meeting of the Security Council when the Chinese representation question is settled; and that Mr. Lie's memorandum may be taken as the basis for the preparation of the agenda.

Mr. Lie said that he went on to London and had a conversation with Bevin.¹⁰ Bevin informed Lie that the British Government will not agree to periodic meetings of the Security Council before a real change in the attitude of the Soviet Union occurs. Lie indicated that a conversation with Attlee convinced him that the British Government might be prepared to consider this question further.

Mr. Lie, at this point, said that he hoped that the Secretary would not tell him that we could not agree with the question of a special meeting of the Security Council until there is a real change in the Soviet attitude. He said that the question is not one for immediate decision, since such a meeting could not, in any event, take place until the Chinese representation question is settled. He urged that we not give him an answer now but that we merely tell him that we would consider this matter.

The Secretary told Mr. Lie that we would not say no at this time, but would consider the matter further. He asked Mr. Lie what he made of the Soviet attitude in regard to China and the Chinese representation question. Lie said that he was convinced from comments that had been made to him by several Soviet officials that the USSR had expected that the Chinese representation question would be settled within "a fortnight" after the Soviet walk-out in January. Lie said that the American White Paper¹¹ and everything that had been said

⁹ Robert Schuman, French Minister of Foreign Affairs.

¹⁰ Ernest Bevin, British Secretary of State for Foreign Affairs.

¹¹ Department of State Publication 3573, *United States Relations With China* (Washington, 1949).

in this country about the failure of Chiang Kai-shek¹² had convinced the Russians that we were then on the point of recognizing the Chinese communists and that they had felt the whole thing would be settled in a few weeks and they could take a bow for helping to get the Chinese communists into the Security Council. Lie expressed the opinion that the Soviet Government had made a serious miscalculation and could not now return to the Security Council until the Chinese communists were seated.

Mr. Lie said that nothing of consequence developed in a conversation with Wang, the Chinese Communist Ambassador in Moscow.¹³ Wang urged that the Nationalist Representatives be expelled from the Specialized Agencies and said that the Chinese Communist Government would take over Chinese representation in the Specialized Agencies from which the Nationalist Representatives had been expelled. Lie described Wang as "a cold fish, who speaks Russian better than he speaks Chinese."

Mr. Lie said that the Soviet Foreign Office, in his opinion, acts "in a very correct manner" toward the satellites, leaving to the Cominform the task of applying pressure.

JOHN D. HICKERSON

¹² Generalissimo Chiang Kai-shek, President of the Republic of China.

¹³ Wang Chia-hsiang.

315/6-150: Telegram

*The Secretary of State to the Ambassador in the United Kingdom
(Douglas)*¹

TOP SECRET

[WASHINGTON,] June 1, 1950—7 p. m.

2650. Eyes only Douglas. Summary of the President's conversation May 29 with Trygve Lie, Byron Price, the Secretary follows:

Lie said that in his interview with Stalin he had stated his impression from his talk with the President was that the President had a most friendly personal feeling for Stalin and that the President said he would be glad to receive Stalin as his guest in Washington. Lie then reported that he had said to Stalin that they could meet perhaps in some other part of the US, such as Key West, or in a neutral country, perhaps Switzerland or Sweden. Stalin's view was that there were so many difficulties now existing between the East and West that a meeting of the Chiefs of State would not be profitable. He thought that at some time considerably in the future when these

¹ Repeated to Paris—"Eyes only Bruce" (2519) and Moscow—"Eyes only Kirk" (470).

difficulties had been resolved except for one or two problems a meeting might be useful. He did not foresee this at the present time.

Lie then reported his discussion of possible periodic meetings of the FMs in the SC. Stalin replied that acceptance of the Chinese Communists was a condition precedent to Russian return. After that condition had been fulfilled, it might be possible to have the meetings of the SC. In principle he accepted the idea and in principle he accepted Lie's memorandum as a working paper on which possible agenda for such meetings might be based.

President replied that since the acceptance of the Chinese Communists in the United Nations was a condition precedent and since the Chinese Communists had made that extremely difficult, he did not regard it as necessary at this time to comment on future meetings of the SC. President had the gravest difficulty in seeing how relations of the US and the Peking Govt could be worked out in view of the total disregard by latter of international obligations and in view of its treatment of the US Govt and its representatives. Lie thought that in a few months the matter might be altered since he hoped that the Peking Govt would mend its manners. President said that such a development might take place, but that he did not see signs of it.

Lie then said that he hoped that in the fairly near future the President might find it possible to receive him, with the Sec, to have a longer talk about these matters. President replied that he would be always glad to see Lie, but that his schedule was pretty full at the present time and the meeting would have to wait for a while.

After the interview Lie referred to this suggestion again. Sec said that all three had pretty heavy speaking engagements during the next month or so, but that the matter could be kept in mind for a time when the pressure of work was a little less.

Sec then said to Lie he thought it most important that Lie should not give the impression that something mysterious was about to happen. Lie said he had done his best to counteract such an idea, without much success, but that he would continue to work at this and that he realized he must be very careful because any move that he made could cause a great deal of trouble. Lie told the press that he had had an informal and confidential talk with the President about which he was not at liberty to comment. He added that he wished to make it clear that he was not the bearer of messages between the President and Stalin.

Memo of Sec's May 29 conversation with Lie being pouched.²

ACHESON

² *Supra.*

310/6-550

*Memorandum of Conversation, by the Assistant Secretary of State
for United Nations Affairs (Hickerson)*

SECRET

[WASHINGTON,] June 5, 1950.

Mr. Trygve Lie called me on the telephone Thursday night and asked if I would receive Abe Feller at his request on Saturday. I told him that I would and I invited Mr. Feller to lunch with me Saturday, June 3.

Mr. Feller opened the conversation by telling me that Mr. Lie had decided to transmit to all of the Member States of the United Nations his ten-point memorandum on the development of a twenty-year program for achieving peace through the United Nations. It will be recalled that Mr. Lie handed this memorandum to the President and the Secretary at the White House on April 20 last and subsequently gave copies of it to the British, French and Soviet Governments. Mr. Feller said that Mr. Lie believed that it would be only a question of time until the contents of this memorandum leaked to the press and appeared in public, and that he thought that he should at an early date, probably some time this week, transmit it to all Member States. Moreover, Mr. Lie believes that he should shortly thereafter make the memorandum and his transmitting letter public.

Mr. Feller thereupon handed me the enclosed draft letter from the Secretary General and said that Mr. Lie would be grateful if I would read this draft letter and give Mr. Feller informally any comments which I wished to make on it.

I said at once that I was sure Mr. Lie would understand that whereas I would be glad to read the letter and comment on it I was in no sense "clearing" the letter; that it was Mr. Lie's memorandum and Mr. Lie's initiative, and that my reading the draft and commenting on it was not to be interpreted in any sense as associating myself with Mr. Lie's initiative in the matter. Mr. Feller said that this was understood.

I then read the draft letter and made the following comments to Mr. Feller:

1. I suggested that in the interests of accuracy the words "in detail" be omitted from the second sentence of the third paragraph on page 1. I said that Mr. Lie had not discussed the points of the memorandum in detail with us. Mr. Feller agreed that these words should be dropped.

2. My next comment dealt with the first full paragraph on page 2. I said that I realized that Mr. Lie would probably regard that single

paragraph as the most important one in the letter and that he was speaking for himself and giving his estimate of his conversations in four capitals. I went on to say, however, that from what Mr. Lie told us of his conversations in Moscow it certainly seemed to me that he was overstating possibilities when he said "that the reopening of genuine negotiations on outstanding issues is possible". I emphasized the fact that I realized Mr. Lie is describing his own conviction and that only he can do this, but I said that it seemed to me that it would be the more accurate statement to say that the reopening of negotiations on certain outstanding issues may be possible. Mr. Feller made a note of this and said that he would mention this to Mr. Lie but that he was pretty sure Mr. Lie would insist on retaining the word "genuine". Again I said that this is Mr. Lie's letter stating his conviction and that I had only stated my conviction based on Mr. Lie's comments to us of his conversations in other capitals.

3. I then stated that in my opinion it would be quite unfortunate for the International Red Cross resolution on atomic energy to be highlighted by special mention in Mr. Lie's letter (full paragraph 3 on page 2). I said that it seemed to me this resolution calling for the prohibition of the atomic bomb on humanitarian grounds was essentially a "phony". I said that everybody favors the prohibition of the atomic bomb but that the United States Government and an overwhelming majority of the Members of the United Nations have taken action to put themselves on record making it clear that the prohibition must be a part of an effective control system that will make the prohibition effective. I went on to say that the Soviet Government is agitating for a treaty of prohibition which apparently would be based almost wholly on the good faith of the contracting nations. Such a treaty, I added, would be no better than the good faith of the participating countries and that simply is not good enough. The United States Government does not ask other countries to accept our statement that we will not make or use atomic bombs. We wish to see such a commitment contained in a general system of effective prohibition and control to the end that we could not make atomic bombs even if we wanted to since we would not have the nuclear fuel required to make bombs. We ask the same of other countries. We feel that agitation for prohibition of the atomic bomb, unless there is an effective control system to make it really effective, is a dangerous fraud and a phony. I asked Mr. Feller to be sure to give Mr. Lie my emphatic views on this subject and he agreed to do so.

Mr. Feller said that Mr. Lie would show his draft letter to Mr. Malik, the Permanent Soviet Representative to the United Nations, and "possibly" to the British and French Representatives to the United Nations. I stated that this is, of course, Mr. Lie's initiative, but in my view he should show it to the British and French.

Mr. Feller said that he would let us know sometime Monday, June 5, about Mr. Lie's proposed timetable for sending out and publishing this letter.

I suggested that he give this information to USUN, to be passed on to us, and he agreed to do so.¹

[Attachment]

Draft Letter From the Secretary-General of the United Nations to the Foreign Minister of Each Member State of the Organization

SIR: The deterioration of relations between leading Members of the United Nations has created a situation of most serious concern for the United Nations and the future peace of the world. In my capacity as Secretary-General, I have felt it my duty to suggest means by which the principles of the Charter and the resources of the United Nations could be employed to moderate the present conflict and to enable a fresh start to be made towards eventual peaceful solutions of outstanding problems.

To this end, I have drawn up a "Memorandum of Points for Consideration in the Development of a 20-year Program for Achieving Peace through the United Nations", a copy of which is annexed hereto.²

I have personally handed this Memorandum to the President of the United States of America, Mr. Harry S. Truman, on April 20, to the Prime Minister of the United Kingdom, Mr. Clement Attlee, on April 28, to the Prime Minister of France, Mr. Georges Bidault, on May 3, and to the Prime Minister of the Union of Soviet Socialist Republics, Generalissimo Joseph Stalin on May 15. I had opportunity to discuss the points of this Memorandum in detail with the foregoing Heads of Governments and with other leaders of their Governments including the Secretary of State of the United States of America, Mr. Dean Acheson, the Foreign Secretary of the United Kingdom, Mr. Ernest Bevin, the Foreign Minister of France, Mr. Robert Schuman, the Vice-Premier of the U.S.S.R., Mr. Viacheslav Molotov, and the Foreign Minister of the U.S.S.R., Mr. Andrei Vishinsky.

While it would not be appropriate for me to state the views of any of the Governments on the points of the Memorandum, I can say that I have drawn from my conversations a firm conviction that the United Nations remains a primary factor in the foreign policy of each of these Governments, and that the reopening of genuine negotiations on out-standing issues is possible.

¹ The Secretary-General's 10-point memorandum with accompanying explanatory letter was circulated to the governments of Member States of the United Nations on June 6. For text of the letter as published, see GA (V), *Annexes*, vol. II, fascicule 60; also Department of State *Bulletin*, June 26, 1950, pp. 1051 and 1052.

² For text, see p. 373.

It is evident that no significant progress can be made while the Members of the United Nations remain sharply divided on the question of the representation on [of] one of the permanent members of the Security Council—the Republic of China. It is necessary that this question be settled.

There are three events which have occurred since the drafting of the annexed Memorandum which have relevance to certain of its points.

In connection with Point 2, I call your attention to the appeal circulated on April 20, 1950, by the International Committee of the Red Cross to the High Contracting Parties to the Geneva Conventions for the Protection of Victims of War, to do everything in their power to reach agreements on the prohibition of the atomic bomb and “blind” weapons generally.

In connection with Point 7, the conversations of the Executive Secretary of the Economic Commission for Europe, Mr. Gunnar Myrdal, with various European Governments have emphasized the necessity for further efforts to liberate international trade from the restrictions and discriminatory practices which now hamper the free flow of goods.

Further in connection with Point 7, I call your attention to the statement unanimously adopted in Paris on May 4, 1950, by the Administrative Committee on Coordination (composed of the Secretary-General and the Administrative heads of the following specialized agencies: United Nations Educational, Scientific and Cultural Organization, International Labor Organization, Food and Agricultural Organization, World Health Organization, International Civil Aviation Organization, International Bank for Reconstruction and Development, International Monetary Fund, International Refugee Organization, International Telecommunications Union, International Bureau of the Universal Postal Union, Interim Commission of the International Trade Organization). The Statement reads:

“The present division of the world and the increasingly serious conflicts of policy among the great powers have gravely impaired the prospects for world peace and for raising the standards of living of the peoples of the world. It is of particular concern to the administrative heads of the organizations that these conditions threaten the very basis of their work. The United Nations and the specialized agencies are founded upon the principles that lasting world problems—like disease, hunger, ignorance and poverty which recognize no frontier—can never be overcome unless all the nations join in universal efforts to those ends. We affirm the validity of this principle of universality. The United Nations system makes ample room for diversity within a universal framework. We believe it would be a disaster if efforts to realize the principle of universality in practice were to be abandoned now. We believe that the greatest efforts should, on the

contrary, be directed towards achieving in fact true universality in the membership and programs of the United Nations and of those of the specialized agencies which are founded on that principle. We also believe that it is necessary for all the governments to renew their efforts to conciliate and negotiate the political differences that divide them and obstruct economic and social advancement. Specifically, we believe that it is essential to the future of both the United Nations and the specialized agencies that the present political deadlock in the United Nations be resolved at the earliest possible moment. The peace and well-being of all peoples demand from their governments a great and sustained new effort by the nations of the world to achieve a constructive and durable peace."

I have the honour to request the earnest attention of your Government to the annexed Memorandum. I have in contemplation the possibility of its formal submission to the Security Council at an appropriate time, and I reserve the right to place it on the provisional agenda of the forthcoming regular session of the General Assembly.

I have the honour to be, etc.

Secretary-General

Editorial Note

The Secretary of State released a statement to the press on June 7, commenting on the June 6 publication by the Secretary-General of a report on his trip to Europe and of his 10-point memorandum with accompanying letter. The Secretary said in part:

"... An examination of our record will disclose that the United States has cooperated wholeheartedly in the United Nations in the search for agreement and for progress in these [ten] fields. The United States has always been ready to negotiate with other members of the United Nations on any matter in the appropriate forum. We are willing to consider any possibilities put forward by Mr. Lie or by any other member of the United Nations which are believed to be practical. As I said in my speech at Berkeley last March, 'our attitude is not inflexible, our opinions are not frozen, our positions are not and will not be obstacles to peace.'

"The United States believes, furthermore, that all the Great Powers have a special responsibility under the Charter to exercise leadership. We intend to exercise this responsibility in the future as we have in the past. We have hope for progress through the United Nations, and we do not doubt its capacity for accomplishment.

"... There is no magic which either Mr. Lie or anybody else can produce with a wave of a wand to remove suddenly the tensions that now exist. As I have said before, the free nations of the world have a hard task ahead of them as long as the Soviet Government continues

its present policies. We can't afford to wait and merely hope that those policies will change. We must carry forward in our own determination to create situations of strength in the free world, because this is the only basis on which lasting agreement with the Soviet Government is possible."

For text of the complete statement, see Department of State *Bulletin*, June 26, 1950, pages 1050 and 1051.

315/6-850 : Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

SECRET

LONDON, June 8, 1950—6 p. m.

3231. Parrott, head UN Political Department Foreign Office indicated publication Lie's 10 point memorandum had not altered British attitude that no reply required. He suggested that if US Government proposed to reply to Lie's communication, British Government would appreciate being informed. In the event that view changed and replies considered desirable, Parrott urged close consultation so that there would be no divergence in them. In expressing this opinion, he made clear it was not indicative of any impending change in UK attitude, but merely suggestion to insure collaboration. He repeated British still consider reply unnecessary.¹

[Here follows a brief account of reports in the British press on the Secretary-General's memorandum and the Secretary of State's statement on the subject.]

DOUGLAS

¹ In telegram 2843, July 13, to the Embassy in the United Kingdom the Department responded that "US does not intend make formal reply Lie's memo this time" (315/6-850). When informed of the Department's reply, Mr. Parrott repeated that if replies in substance were to be made to the Secretary-General that the Foreign Office hoped there would be opportunity for consultation (telegram 3510, June 21, from London, 315/6-2150). The Department promptly responded: "Assure Parrott we wld desire consultation. . . . This certainly wld be within spirit and probably even letter of London Conf discussion this subject and in any event we wld desire to consult UK on such important subject." (Department telegram 3048, June 22, to London, 315/6-2150)

320/8-2150 : Telegram

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

CONFIDENTIAL

WASHINGTON, August 21, 1950—5 p. m.

171. Dept wld appreciate info as to type of resolution Secretariat contemplates GA adopting on Lie peace memorandum and what Secretariat has in mind re procedural handling this item in GA, including

question Committee referral.¹ For our ideas are included in FM paper pouched Popper to Ross.²

ACHESON

¹ On July 21 the United Nations Secretariat placed the Secretary-General's peace program on the provisional agenda for the fifth regular session of the General Assembly (U.N. Doc. A/1293); this became Item 60 of the final agenda. In a note dated July 26 (U.N. Doc. A/1304) the Secretary-General communicated to the General Assembly a copy of his 10-point memorandum and letter which was sent to the Foreign Ministers of the Member States of the United Nations on June 6; see GA (V), *Annexes*, II-60, p. 1.

² David H. Popper of the Office of United Nations Political and Security Affairs and John C. Ross, Deputy United States Representative on the Security Council. The reference is to a paper, SFM D-2, dated August 16, entitled "Coordinated Approach to Lie Peace Proposals and Soviet 'Peace Propaganda' Including Means Whereby West May Take Initiative on this Subject in General Assembly." This was prepared for use at a meeting of the Secretary of State and the British and French Foreign Ministers to be held in New York in mid-September ahead of the opening of the General Assembly session. Documentation on this meeting is scheduled for publication in volume III.

As indicated by the title, the Department's objective was to generate "a program for peace rather than merely making a defensive response to a new Soviet 'peace appeal' and to fit the Lie peace proposals into some such context:

"Our attitude toward the Trygve Lie memorandum should be sympathetic. We should associate ourselves with its broad objectives—to employ Charter principles and United Nations resources on a long-term basis to relieve tensions and move toward lasting peace. We should as far as possible avoid detailed consideration by the Assembly of each specific proposal in the memorandum but should utilize the proposals as appropriate in argumentation in support of our major political items and in refutation of points made by the USSR in its 'peace plan'."

Mr. Ross advanced tentative recommendations for this coordinated approach to the Lie memorandum in U.S.-U.K.-French conversations held on the official level at New York on August 21, to prepare the agenda for the September ministerial meeting. Documentation on the September meeting of Foreign Ministers is scheduled for publication in volume III.

IO Files 1: SD/A/226

*Position Paper Prepared in the Department of State for the United States Delegation to the Fifth Regular Session of the General Assembly*²

CONFIDENTIAL

[WASHINGTON,] August 28, 1950.

DEVELOPMENT OF A TWENTY-YEAR PROGRAMME FOR ACHIEVING PEACE THROUGH THE UNITED NATIONS (THE "LIE PEACE PROPOSALS")

THE PROBLEM

To determine the position to be taken with respect to the memorandum on this subject which the Secretary-General communicated

¹ Short title for the master files of the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

² For information regarding the composition and organization of the U.S. Delegation, see p. 24.

to the United States, United Kingdom, France and the Union of Soviet Socialist Republics in April and May 1950; circulated to the other Members of the United Nations on June 6; and placed on the General Assembly's provisional agenda on July 21. The memorandum suggests ten points for consideration in the formulation of a twenty-year United Nations peace program. These points cover possible United Nations action on the following subjects:

- (1) Periodic meetings of the Security Council;
- (2) Progress toward an international control system for atomic energy;
- (3) A new approach to control of armaments;
- (4) Agreement on Article 43 armed forces;
- (5) Universality of United Nations Membership;
- (6) Technical assistance and international investment;
- (7) Promotion of high living standards, full employment, and economic and social progress;
- (8) Human rights and fundamental freedoms;
- (9) Advancement of dependent peoples;
- (10) Development of international law looking toward enforceable law for a universal society.

The proposals made under these headings are described by the Secretary-General in his annual report for 1950³ as "not . . . a definitive and formal programme . . ." but "rather an outline of preliminary proposals as a basis for a programme." It should be noted that the memorandum was prepared before the Korean crisis arose.⁴

RECOMMENDATIONS

1. The objectives of the Delegation on this subject should be:

a. to maintain a posture of sympathetic interest in the Secretary-General's proposals without endorsing or facilitating the adoption of specific suggestions of which we do not approve;

b. to utilize the proposals as appropriate in argumentation in support of the major political items introduced in the General Assembly by the United States, and conversely to utilize the proposals wherever possible to refute points made by the Union of Soviet Socialist Republics in any "peace plan" it may present;

c. to avoid as far as possible separate and detailed discussion of each specific suggestion in the memorandum, which would in large part duplicate discussion under other agenda items and would seriously increase the work load of the General Assembly's political committees;

³ United Nations, *Official Records of the General Assembly, Fifth Session, Supplement No. 1 (A/1287), Annual Report of the Secretary-General on the Work of the Organization 1 July 1949-30 June 1950*, p. xii.

⁴ For documentation regarding the North Korean invasion of South Korea on June 25 and the United States response, see volume VII.

d. to support the right of the Secretary-General to make proposals of this character, in the event that he is subjected to strong criticism for having done so.

2. Accordingly, the United States should :

a. associate itself with the broad objective of the Lie memorandum—to employ Charter principles and United Nations resources on a long-term basis to relieve tensions and move toward lasting peace—in the Assembly's general debate and in major statements in the Political Committees, pointing out at the same time that this objective cannot be achieved by words alone but only by action in the spirit of the Charter;

b. stress the fact that adoption of the United States proposals for action against aggression etc., will result in progress toward the goals singled out by the Secretary-General, whereas Soviet "peace" proposals would if adopted facilitate aggression and make impossible the attainment of the Secretary-General's aims;

c. propose that the memorandum be considered as a single item, and oppose separate reference of each of the ten points to an appropriate main committee of the Assembly;

d. seek, as a preferred course, direct action in plenary session on the memorandum, if possible through the adoption of a single resolution at the conclusion of the general debate;

e. if the United States and the Soviet Union, or either of them, introduces a major "peace proposal," advocate simultaneous or consecutive consideration of all such proposals by the same main committee, including the Secretary-General's if not dealt with in plenary;

f. seek to limit action on the Lie memorandum to a single simple resolution commending the Secretary-General for his initiative, endorsing his general objective, and requesting the main committees of the Assembly to take his proposals into account in their discussions;

g. refuse to be a party to any move to question the Secretary-General's right to issue such a memorandum, as distinct from criticism of specific points contained in it.

3. If, despite the Delegation's efforts, the General Assembly decides to consider each of the Secretary-General's suggestions separately, the Delegation should act as follows:

a. Wherever possible, it should seek to have the Secretary-General's suggestions discussed in conjunction with other proposals on the same subject-matter: thus, his proposals on atomic energy and the admission of new Members would be considered along with other agenda items on these subjects;

b. Where the Secretary-General's proposals are so general as to amount to nothing more than appeals for progress (support of all governments for extension of human rights; development of international law), the Delegation should seek to conclude discussion quickly in the committee concerned by stimulating the adoption of a short resolution recommending that Members bear the Secretary-General's proposals in mind in the formulation of their policies.

4. If it is necessary to discuss specific portions of the memorandum and its letter of transmittal, Delegation comments should follow the lines of the papers prepared on the specific topics involved. With this qualification, the following points may be stressed as appropriate:

a. Need for settlement of Chinese representation question before progress can be made toward relieving tensions.—This question has already been dealt with in virtually every United Nations organ, by majority decision. It will be re-examined in these organs later. It is not the Chinese representation question, but the illegal Soviet boycott, Soviet encouragement of aggression, and Soviet refusal to cooperate with others in support of the Charter which hamper progress toward peace. (See separate paper on Chinese representation.)

b. Need for basing action on the possibility of peaceful co-existence of different economic and political systems, and for genuine negotiation.—By word as well as by deed, the Union of Soviet Socialist Republics appears to have denied the possibility of peaceful co-existence; the free world has always affirmed it as a desirable end. But peace is not possible on a lasting basis if unprovoked aggression can result in gains for the aggressor. We hope the Soviet Union will make possible genuine negotiations looking toward the reduction of tension, through the prior creation of conditions which will ensure compliance with the pledged word.

c. Inauguration of periodic Security Council meetings.—While no miraculous results can be expected merely from the physical juxtaposition of the high-level personalities who would attend such meetings, we will give careful consideration to any proposal for holding a periodic Security Council meeting and to the items which might be included on its agenda. Although one obstacle to such a meeting may have been removed by abandonment of the Soviet boycott in the Security Council, we see no point in considering it so long as Soviet imperialism and Soviet satellites continue to support aggression in Korea. (We should if at all possible avoid the onus of preventing a periodic Security Council meeting.)

d. Re-establishment of private Big-Five consultations on limitation of use of the veto in pacific settlement procedures.—We approve. We have always sought this objective.

e. A new attempt to make progress toward an effective international control system for atomic energy.—See separate paper on atomic energy.

f. Conference of scientists on control of weapons of mass destruction.—We oppose such a conference. The problem of control is essentially political, and only to a secondary degree technical or scientific. Until the political obstacles are overcome, a conference of scientists would be of no value.

g. An interim agreement to moderate the atomic arms race.—Without the effective means of control which are provided in the United Nations Plan, any agreement on atomic weapons would be worse than useless because it would tend to produce a false sense of security.

h. A new approach to regulation of other armaments, to go hand in hand with efforts to reach political settlements.—Until we are sure

that aggression will not succeed and until an atmosphere of confidence in the good faith of the Union of Soviet Socialist Republics can be created, effective regulation of armaments is impossible. Confidence cannot be created until the facilities for observation and inspection in the Soviet-dominated area approximate those in the free world.

i. A new approach to the problem of establishing Article 43 forces, including an interim accord on a small force to prevent or stop localized outbreaks.—As long as the Soviets persist in their present conduct, Article 43 forces cannot be established as the Charter envisaged them. The United States, however, is considering a proposal for interim action along the lines suggested by the Secretary-General.

j. Progress toward universality of membership as rapidly as possible, with admission of all current applicants, and of Germany and Japan when peace treaties are concluded.—We agree that universality is a highly desirable objective, but until agreement is reached on the practical steps which can be taken to obtain it, we cannot take a specific position at this time.

k. An active technical assistance program and encouragement of broad scale capital investment.—We agree with the Secretary-General on the value of this program and intend to remain in the forefront in its development.

l. Promotion of higher living standards, full employment and conditions of economic and social progress through more vigorous use of the specialized agencies.—We agree fully with the Secretary-General's comment, including his advocacy of ratification of the Charter of the International Trade Organization.

m. Extension of human rights and fundamental freedoms throughout the world.—We agree with the Secretary-General.

n. Use of the United Nations to promote the peaceful advancement of dependent peoples.—We fully agree.

o. Use of Charter powers and United Nations machinery to speed up the development of international law towards an eventual enforceable world law for a universal world society.—We support this objective and are willing to move toward it as rapidly as may be practicable without endangering the existence of the Organization.

Editorial Note

In an unusual move after convening on September 19, the General Assembly decided not to refer the Secretary-General's memorandum to an appropriate committee as was normal procedure but to discuss it in plenary meeting. This was done by the General Assembly at some length in meetings on November 17, 18, and 20; for the proceedings, see United Nations, *Official Records of the General Assembly, Fifth Session, Plenary Meetings*, volume I, pages 436 ff. (hereafter cited as GA (V), *Plenary*, volume I). On November 18 the United States made a statement in support of the memorandum and of a draft resolution that had been submitted by nine other states which com-

mended the Secretary-General for his initiative in preparing the memorandum and presenting it to the General Assembly. The draft resolution also requested the appropriate organs of the United Nations to give consideration to those portions of the Secretary-General's memorandum with which they were particularly concerned. (For text of the draft resolution, see GA (V), *Annexes*, volume II, fascicule 60, page 5.) After accepting a United Kingdom amendment and rejecting two Soviet amendments, the General Assembly adopted the joint resolution on November 20.

600.001/9-1450 : Telegram

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

CONFIDENTIAL

[WASHINGTON,] September 14, 1950—8 p. m.

268. Dept has been considering possible tactics in event USSR submits more balanced and attractive version Stockholm Peace Appeal for GA action.¹ At Prague mtg this August World Committee of Defenders of Peace prepared way for modification of Appeal looking toward possible GA action by broadening objectives to include (a) support for general reduction, under control, all forms armament (as well as banning atomic weapons), (b) condemnation of aggression and foreign intervention by force of arms in internal affairs of any people, (c) support for all peaceful moves to stop war in Korea and condemnation of bombings of civilians in Korea, (d) demand for admission genuine representatives great powers and for hearing both parties in Korea, and (e) banning all propaganda favoring war.

¹ The text of the Stockholm Peace Appeal for the Prohibition of the Atomic Weapon, adopted by the Permanent Committee of the World Peace Congress, March 19, 1950, reads as follows: "We demand unconditional prohibition of the atomic weapon as a weapon of aggression and mass annihilation of people, and that strict international control for the implementation of this decision be established. We shall consider as a war criminal that Government which first employs the atomic weapon against any country. We call upon all people of good will throughout the world to sign this appeal." This text is based upon that printed in Royal Institute of International Affairs, *Documents on International Affairs 1949-1950* (Margaret Carlyle, editor) (London: Oxford University Press, 1953), p. 139. Documentation regarding Soviet peace propaganda policy is scheduled for publication in volume IV.

The Soviet "peace" offensive was launched with a world peace congress, held in Praha and Paris, in the spring of 1949. It was the observation of the Embassy in the Soviet Union in June 1950 that "This campaign, which gives every sign of becoming a primary Soviet theme in the cold war, has absorbed a major share of the attention of Soviet propagandists in recent months; mounting emphasis has been devoted to the peace drive in the press and radio of the Soviet Union itself, its satellites, and among fellow-travelling elements in the free world." The Embassy opined that the campaign was likely to reach "a crescendo" in September with the convening of the General Assembly. (Moscow despatch No. 704, June 5, 661.00/6-550)

Realizing that UN action Korea and USDel GA program² constitute real answer to Appeal, Dept nevertheless concerned lest, as in case of "warmongering" resolutions,³ many other dels find it difficult reject Appeal outright and decide instead work out "acceptable modification". Appeal might then emerge with GA endorsement and, even if substantially modified, provide further grist Soviet propaganda mill.

In dealing with Appeal, two courses of action suggest themselves: (1) Exposing true nature Appeal, rejecting it outright and reaffirming Essentials of Peace Res;⁴ or (2) Submitting acceptable jointly sponsored counter-proposal.

Efforts draft such counter-proposal here have not yet produced suitable text. Draft transmitted Ross recognized as unsuitable.

Dept suggests Mission initiate consultations this matter with key representative dels to explain the problem and obtain their suggestions. Dept considers it advisable group of representative dels agree keep matter under concerted review in order be prepared join in sponsoring counter-proposal or taking other appropriate action.

WEBB

² For the U.S. program to place before the General Assembly a number of recommendations designed to increase the effectiveness of the United Nations against aggression, see pp. 303 ff.; see also the general debate statement to the General Assembly by Secretary of State Acheson on September 20 in United Nations, *Official Records of the General Assembly, Fifth Session, Plenary Meetings*, vol. I, pp. 23 ff. (hereafter cited as GA (V), *Plenary*).

³ This refers to the 1947 resolution presented by the Soviet Union to the General Assembly in condemnation of "war-mongers" and related resolutions proposed in 1948 and 1949; for documentation on U.S. policy regarding these items, see *Foreign Relations*, 1948, volume I, Part I, and 1949, volume II.

⁴ For documentation regarding the Essentials of Peace resolution, see *Foreign Relations*, 1949, vol. II, pp. 72 ff.

320/9-2150: Telegram

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

CONFIDENTIAL

[WASHINGTON,] September 21, 1950—7 p. m.

Gadel 5. Fol draft resolution has been prepared in Dept in connection with study of possible counter-proposal to anticipated move of Soviet Delegation on basis of Stockholm Appeal, Deptel 268, Sept. 14:

The GA:

Deeply concerned by the breach of the peace in Korea and by other threats to world peace;

Convinced that it voices the intense desire of all peoples to live in peace, in freedom and in justice and to eradicate the causes of war;

Steadfast in its support for the principles underlying the *Essentials of Peace* as set forth in Resolution 290 (IV) of the Fourth Session; Proclaims, on behalf of the peoples of the UN, this

FREE WORLD APPEAL

1. *We appeal for sincere and uninterrupted international collaboration to settle disputes by peaceful means, to raise standards of living everywhere, and to combat injustice, intolerance, poverty and fear;*

2. *We appeal for an end to aggression and subversion, and to the betrayal of nationalist independence movements in the interest of a New Imperialism.*

3. *We appeal for the regulation and reduction of all armaments and mass armies, including the prohibition of atomic weapons, by means of effective systems of control and inspection;*

4. *We appeal for a free world dedicated to the observance of human rights, to the removal of barriers to friendly intercourse among peoples, and to the free communication of ideas;*

5. *We appeal for the right to live in peace and call upon all governments to cease all propaganda for war and all propaganda of hatred and suspicion toward other nations in order that we may devote ourselves to the fulfilment of our moral, spiritual and material needs.*

The draft is transmitted for Delegation's study in connection with its consideration of tactics in dealing with Soviet Declaration presented by Vyshinsky yesterday in his speech in plenary session.¹ Delegation shld consult with Dept before discussing draft with other delegations since its use will depend on very careful evaluation of best method of disposing of draft Soviet Declaration.

WEBB

¹ For the Soviet Foreign Minister's general debate statement to the General Assembly on September 20, see GA (V), *Plenary*, vol. I, pp. 27 ff. For text of the Soviet draft resolution, entitled "Declaration on the removal of the threat of a new war and the strengthening of peace and security among the Nations," see *ibid.*, p. 31.

IO Files: US/A/C.1/1971

United States Delegation Working Paper

SECRET

[NEW YORK,] September 30, 1950.

TENTATIVE STAFF VIEWS ON TACTICS FOR DEALING WITH VISHINSKY RESOLUTION

PROBLEM

How should we deal with the Soviet draft resolution "On the Removal of the Threat of a New War and the Strengthening of Peace and Security Among the Nations" (A/1376; attached as Annex I)?¹

¹ Annex I is not printed as such; for text of the Soviet proposal, see citation in preceding footnote.

RECOMMENDATIONS

1. We should attempt to defeat the resolution, after a minimum of debate consistent with the maximum exposure of its fraudulence.

2. We should begin consultations immediately with other delegations, attempting to get agreement on this course.

3. During these consultations, we should determine whether other delegations feel that defeating the resolution is adequate, or whether the affirmation of the positive goals of the non-Soviet world is necessary. Delegations which feel that this is necessary should be asked what affirmation should be made and when and how it should be made. Specifically, they should be asked whether they would favor

(a) A substitute resolution meeting the Soviet resolution point-for-point; or

(b) An affirmative declaration embodied in the preamble of the Uniting for Peace resolution.² Before this suggestion is generally made, we should ask the Indians, and perhaps the French, whether the inclusion of such a general preamble would make the Uniting for Peace resolution any more agreeable to them.

DISCUSSION

Preliminary consultations, in which we asked the views of other delegations without urging any specific proposal of our own, have revealed that delegations favor outright rejection of the Soviet resolution, with two more delegations favoring this course plus the adoption of a specific proposal like the Uniting for Peace resolution. Four delegations favor amending the Soviet proposal to make it acceptable to us. Five delegations favor offering a substitute resolution. (The list of these delegations is attached as Annex II.)

The working group has rejected the suggestion that we seek to amend the Soviet resolution. Amending could be expected to appeal to some of the Asian and Latin American countries which seek a relaxation in at least verbal tensions, and which would be glad to capitalize on the present Soviet mood of calculated affability. However, if the final result should by chance be an agreed text which everyone could accept, there might be a diminution in the present well-founded alarm in the world as to Soviet intentions, and a consequent diminution in the disposition to pay the high price demanded of the free world in order to block these intentions. Tactically, if we started offering amendments, it would open the door to innumerable amendments from other delegations which might have wide appeal but which we might not like. Even if the amendments were designed only to clarify and define the hollowness of the Soviet words, the Russians could fudge the

² See footnote 1, p. 367.

definitions and gain propaganda advantage from a protracted and devious debate.

The working group considered that the arguments in favor of simply defeating the Soviet resolution were strong. The aggression in Korea has revealed the true nature of Soviet practice as opposed to its protestations. The peaceful words no longer have a convincing ring to many people. The resolution itself is a succotash, containing three old proposals and only one new idea: condemnation as a war criminal of the first nation to use the atomic bomb (lifted from the Stockholm appeal). The majority of delegations are now on to the Soviet line. Extended debate, and the offering of amendments or a counter-resolution, would give the resolution more attention, and Vishinsky a chance to make more speeches. The Uniting for Peace proposal can be considered our answer to the Soviet resolution: it proposes deeds not words. As for the statement of large principles, its preamble specifically reaffirms the Essentials of Peace. Presumably this resolution will have been passed by the time the Political Committee reaches the Soviet resolution; it can be pointed to during the debate on the Soviet proposal. The hollowness of the Soviet proposal could be exposed by the working out of a careful schedule of speeches among friendly delegations, each of whom could take a specific point and ask a series of questions designed to show the Soviet reality underlying the fair words: e.g., Mr. Pearson's³ suggestion that Vishinsky be asked to state precisely what he means by "strict international control of atomic energy".

As against these considerations, which will undoubtedly carry great weight among delegations to the GA, it is questionable whether world public opinion has reached the level of sophistication which characterizes Assembly delegates. Even among the delegations which favor simple rejection of the Soviet resolution, several have raised this point as an important second thought. It is likely that as the Assembly progresses, more and more delegations will feel the necessity for a positive proclamation of non-Soviet goals. Despite Korea, many people still feel emotionally that the Soviet Union stands for peace; or at least that the United States Government and its Western Allies are resigned to the inevitability of war. The Stockholm appeal has continued to gather signatures despite Korea, not only in the Soviet orbit but in Western Europe and, to some extent, in non-Soviet Asia. "Neutrality" retains a certain wistful appeal in Western Europe, especially in France. Important sectors of public opinion in India, Indo-China, Indonesia, and other countries of the middle world regard western policy as being too aggressive and hostile.

³ Lester B. Pearson, Canadian Secretary of State for External Affairs.

For these reasons, the free world cannot afford to look as if it is afraid that peace will break out. It must continually state and restate its goals: which go far beyond the mere prevention of aggression and involve such concepts as the elimination of barriers to the interchange of persons and ideas, the mobilization of the world's resources for constructive ends, and the establishment of the dignity of man in practice as well as in principle. The Uniting for Peace proposal is one of the steps necessary to achieve this kind of world; it is not a blueprint for its achievement, or even an architect's sketch of what the achievement might look like. The resources of the free world will not be mobilized effectively for defense against aggression unless these larger goals are proclaimed and worked for. It is therefore a political and psychological necessity to proclaim our objectives and to describe the roads by which they might be reached. To fail to do so is to leave the Soviet Union in the field as the loudest proponent of peace. Something like the Free World Appeal suggested by the Department would meet the Soviet resolution point for point.

The Department's suggested counter-proposal (Gadel 5, Control 4619) is attached as Annex III.⁴

If consultations reveal growing support for some affirmative declaration, the question remains what it should say and how and where it should be said. A simple substitute offers many disadvantages, apart from the obvious tactical difficulty of trying to organize 53 votes in favor of an agreed text; a process which would open the door to a host of suggestions from other delegations, leaving us with the alternatives of producing either an unwieldy document or a good many hurt feelings. Substantively, it is more difficult for us than it is for the Russians to formulate ringing principles, since our formulations must remain relatively in touch with reality, especially with what we ourselves believe to be practicable. We have already stated some of our principles in the [1949] Essentials of Peace resolution, which was useful in the General Assembly but hardly set the world on fire with enthusiasm. A reaffirmation of the Essentials would thus contribute little in the present situation. Selection and restatement of a few of its purposes would imply that the others were less important. Without some new proposal of substance in the field of security, freedom or well-being, the resolution would tend to be merely rhetorical: which we cannot, as suggested above, do as successfully as the Russians can.

Because of these disadvantages, the working group has tentatively considered the possibility of stating our larger goals in some other

⁴ Annex III is not printed as such; see Department's telegram Gadel 5, September 21, *supra*.

way, perhaps in the preamble to the Uniting for Peace resolution. Such a preamble could express the long-term objectives of the West, and lead into one specific and practical proposal for moving towards that kind of world. The Uniting for Peace proposal does not meet the Soviet proposal directly, while the Free World Appeal could be made to do so. A combination of the two items could meet the Soviet allegation that the US is against peace and could provide some of the psychological stimulus necessary if the free world is to fulfill its defensive commitments. A general preamble attached to the specific proposal avoids the weakness of simply replying to the Soviet resolution: the US and other delegations could in debate dismiss the Soviet proposal as a re-hash of old ideas, which the Soviet delegation could not do to a Western resolution embodying the specific proposals of the Uniting for Peace resolution.

The combined Free World Appeal-Uniting for Peace resolution has a logical appeal. It shows concern over the problems facing the world, then lists the all-too-often frustrated aspirations of free peoples, then points up the difficulties faced by the United Nations in meeting the most urgent problem, and finally proposes a technique for meeting this.

The working group is aware of the difficulties involved in this course. The addition of such a preamble might throw the Uniting for Peace proposal out of balance, as to both style and substance, with the specific proposal appearing to be a rather modest means of carrying forward the grandiose themes of the preamble. Moreover, since the Uniting for Peace proposal would have been adopted before the Vishinsky resolution came up for debate, we might still be faced with a demand for a direct substitute introduced at that time. This suggestion is therefore offered to the delegation primarily with the thought that it might help in gaining Indian, and, perhaps some other, support for the Uniting for Peace resolution. If this proves not to be the case, the delegation may choose to drop the suggestion and proceed with the rest of the recommendations: that is, defeat the Soviet resolution, expose its hollowness, and await developments to see if a substitute is necessary.

[Attachment]

Annex II Incorporating the Views of Other Delegations on the Soviet Peace Resolution, as of October 1, 1950

1. Outright rejection of the Soviet resolution:

Costa Rica
Denmark
Dominican Republic
France

Honduras
Norway
Panama
Sweden

2. Outright rejection of the Soviet resolution plus the adoption of a specific proposal like the Uniting for Peace resolution :

France

Luxembourg

3. Amending the Soviet proposal to make it acceptable to us :

Canada (defining)

Peru

Haiti

Syria

4. Offering a substitute resolution :

Belgium

Liberia

Cuba

Netherlands

Ecuador

Paraguay

320/10-550 : Telegram

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

SECRET

WASHINGTON, October 5, 1950—7 p. m.

Gadel 29. Re tactics for dealing with proposed declaration introduced by Vishinsky, Dept tentative conclusions substantially parallel those GADel staff in doc US/A/C.1/1971, except that we do not favor any suggestions along the lines of subparagraphs (a) and (b) of Recommendation 3. Dept. believes wld be unwise seek embody affirmative declaration or appeal in preamble Uniting for Peace Res and highly unlikely accomplish purpose of sweetening latter res for Fr and Indians. This possibility shld not be raised in consultations other Dels.

Dept does not consider preliminary views other Dels so far reported sufficiently definitive to warrant conclusions re specific positions they will take when item comes up for active consideration. Dept agrees that further, more intensive consultations shld be undertaken and suggests fol points be stressed :

1. Declaration contains nothing essentially new. All points conclusively dealt with by previous sessions : para 1 in 1947 ; para 2 in all previous sessions ; para 3a in 1949 and 3b in 1948.

2. Therefore, no need repeat this session previous exhaustive debates merits various points. To extent that para 2 by incorporating part Stockholm Peace Appeal introduces "new" aspect atomic energy control, this can be handled in connection consideration that item.

3. Thus in US view Declaration shld be voted down by largest possible majority and no effort be made to amend it.

4. In our present view Essentials of Peace Res of last session and US proposals for Uniting for Peace provide sufficient "substitute" and

counter res shld not be necessary. Delegation shld discourage counter resolution, but shld of course consider and report any specific suggestions made by other Delegations.

5. In light of foregoing, Dept considers the Del shld exert every effort to bring about summary rejection of Soviet Declaration.¹

WEBB

¹ Following receipt of this instruction, the delegation working group determined as a matter of urgency to seek the considered views of other delegates. In a revised working paper it was stated that "We should not suggest the need for a substitute resolution meeting the Soviet resolution point-for-point; delegations which do suggest this should be invited to draft something." The idea of working a broad statement of peace goals into the preamble of the Uniting for Peace resolution was rejected, as the specific goals in the latter would be disappointingly modest as a means of carrying forward "grandiose themes" in the preamble. A revised list of foreign delegation reactions was attached, reflecting little change from the list printed on p. 402. (U.S. Delegation working paper, IO Files, Doc. US/A/C.1/1971/Rev. 1, October 5, 1950)

320/10-1450 : Telegram

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

CONFIDENTIAL

NEW YORK, October 14, 1950—2:28 p. m.

Delga 129. Extensive consultations with other delegations¹ show growing support for substitute resolution to Soviet resolution on "strengthening peace". Following USDel decision to prepare draft substitute in case delegation should decide one necessary, and taking into account preliminary delegation observations on content of substitute, staff has prepared following draft for submission to delegation early next week.²

Delegation agreed that substitute, if offered, should be simple, unambiguous, and preferably short, that it should be aimed at world public opinion with particular reference to "middle world" of wobbly states, and that it should emphasize positive and affirmative aspects of our policy. Last consideration, together with independent suggestions from some other delegation members, suggested rearrangement and rewording of Department's free world appeal,³ change of title from

¹ These conversations are recorded in ample documentation in the US/A/C.1 series in the IO Files, none of which is printed here.

² U.S. Delegation consideration of the Soviet peace resolution began with two lengthy meetings on October 10 and October 12, respectively (IO Files, Minutes of 17th Meeting of the U.S. Delegation, October 10, Doc. US/A/M (Chr) 152, and Minutes of 19th Meeting, October 12, US/A/M (Chr) 154).

³ See Department's telegram Gadel 5, September 21, p. 397. The earlier draft substitute resolution prepared by the delegation advisers is not printed (IO Files, Doc. US/A/C.1/2108, October 11).

appeal to declaration, and use of active verbs in declaration. Same consideration led working group to leave out specific condemnation of Soviets, on ground that it would not be in keeping with present mood of Assembly, which has indicated its view of Soviet aggression by affirmative attitude on Korean and uniting for peace resolutions more effectively than it could by mere condemnatory language. This consideration applies particularly to areas of opinion to which substitute resolution would primarily be addressed.

USDel would appreciate early Department views on draft which follows:

"DECLARATION OF PEACE AND FREEDOM

The General Assembly

Convinced that it voices the intense desire of all peoples to live in peace and freedom, concerned by the threat to peace and freedom presented by the aggression in Korea and the danger of aggression elsewhere, determined to prevent aggression, the chief crime against humanity, by carrying out the provisions of its resolution . . . (V), entitled 'Uniting for Peace', reaffirms its resolution 290 (IV) entitled 'Essentials of Peace', and solemnly calls upon all members of the UN to carry out that resolution. Proclaims on behalf of the peoples of the UN this Declaration of Peace and Freedom. The members of the UN declare that they will work together to:

1. Affirm the dignity of man through observance of the universal declaration of human rights,
2. Utilize the world's resources for the raising of standards of living everywhere through economic development,
3. Remove the barriers to friendly intercourse among peoples and the free communication of ideas,
4. Enable the peoples to live in peace under differing economic and political systems of their choice, free from externally-directed subversion of their institutions, from betrayal of their national independence movements to a new imperialism, and from propaganda inciting them to hatred and suspicion of other nations,
5. Regulate and reduce all armament and armed forces under a UN system of control and inspection designed to protect complying states against the hazards of evasions and violations; and make possible the prohibition and elimination of atomic weapons by joining in a UN cooperative to develop atomic energy for peaceful purposes only."

Working group feels there are difficulties both of substance and of wording in paragraph 4 of Declaration where reference is made to subversion and betrayal of national independence movements, but agreed to put ideas up to delegation for their views.

AUSTIN

IO Files : US/A/C.1/2154

Memorandum of Conversation, by Mr. Ward P. Allen of the United States Delegation Advisory Staff

CONFIDENTIAL

[NEW YORK,] October 16, 1950.

Mr. Parrott¹ handed me the draft of a substitute for the Soviet Resolution set forth below prepared by Mr. Dennis Laskey of the UK Delegation. The draft has not yet been considered by the UK Delegation, but Mr. Parrott desired to keep us apprised of the thinking of the UK Delegation staff on this matter. We did not have any opportunity to discuss the draft, but agreed to do so Tuesday.

"The General Assembly

"Profoundly concerned by the state of tension prevailing in the world, by the aggression of North Korea against the Republic of Korea and by the threat of aggression elsewhere;

"Conscious of the longing of all the peoples of the world to live in peace and security;

"Confident that if all Governments faithfully reflect the desires of their peoples a world order can be established which will ensure peace and security and the economic and social progress of mankind;

"Convinced that the peace of the world is indissolubly linked with the freedom and dignity of the individual;

"Proclaims on behalf of the peoples of the United Nations this

"DECLARATION OF PEACE AND FREEDOM

The member states of the United Nations pledge themselves to:

1. refrain from perverting the universal longing for peace and security to serve selfish political aims
2. respect in all their acts and policies the freedom and dignity of the individual
3. guarantee to all their peoples freedom of thought and speech including the peaceful expression of political opposition
4. preserve all their peoples from the fear of arbitrary arrest and imprisonment, from subjection to a secret police and the threat of the concentration camp
5. promote the social and economic well-being of the peoples of the world and cooperate to this end in the work of the United Nations and the Specialized Agencies
6. encourage friendship and understanding between the peoples of their countries, promote freedom of movement and travel and remove restrictions on the free exchange of information and communication of ideas
7. demonstrate by deeds as well as words the sincerity of their desire to abide by the principles of the Charter and to maintain world peace and security."

¹ C. C. Parrott, Deputy Adviser to the British Delegation.

IO Files : US/A/C.1/2144/Rev. 1

United States Delegation Working Paper

CONFIDENTIAL

[NEW YORK,] October 17, 1950.

STAFF VIEWS ON SUBSTITUTE RESOLUTION ON SOVIET ITEM

(Draft of October 17)

DECLARATION OF PEACE AND FREEDOM

The General Assembly

Voicing the intense desire of all peoples to live in peace and freedom,
Concerned by the threat to peace and freedom presented by the aggression against the Republic of Korea and the danger of aggression elsewhere,

Convinced that aggression by whatever means is the chief crime against humanity,

Determined to preserve the integrity of free nations by preventing such aggression, direct or indirect,

Conscious of its obligation to encourage sincere and enduring international collaboration and to strengthen machinery of the United Nations by such means as are provided for in its resolution . . . (V) entitled "Uniting for Peace,"

Aware that the prevention of aggression is not by itself adequate to assure lasting peace and freedom,

Reaffirms its resolution 290 (IV) entitled "Essentials of Peace", and calls upon all Members of the United Nations to carry out that resolution,

Proclaims on behalf of the peoples of the United Nations this

DECLARATION OF PEACE AND FREEDOM

The members of the United Nations declare that they will work together to:

1. Enable the peoples to live in peace under economic and social systems of their own choice, free from aggression, from externally-directed subversion of their national independence, and from propaganda inciting them to hatred of other nations,

2. Affirm the dignity of man through observance of the Universal Declaration of Human Rights,

3. Utilize the world's resources for the raising of standards of living everywhere through economic development,

4. Remove the barriers to friendly intercourse among peoples and free communication of ideas,

5. Regulate and reduce all armaments and armed forces under a United Nations system of control and inspection; and make possible the prohibition and elimination of atomic weapons under a United Nations system which will provide dependable safeguards that atomic energy will be developed for peaceful purposes only.

320/10-1850 : Telegram

*Extract From Daily Secret Summary of Decisions Taken at United States Delegation Meeting, New York, October 18, 1950*¹

Delga 153. Following are Delga decisions October 18:

3. Soviet "peace" declaration. Redrafted US substitute resolution (US/A/C.1/2144/Rev. 1) taking into account Department views, presented to delegation. Staff emphasized necessity for initiating consultations with other delegations if delegation agreed substitute resolution should be presented. One view was expressed that this type broad general resolution would not do much real good in propaganda field, and if substitute were to be submitted, that it was preferable to prepare resolution stressing (and largely limited to) Soviet non-participation in many UN activities, Soviet failure thereby to work constructively for peace, and open Soviet support of aggression in Korea hampering efforts of UN. Broad resolution, it was contended, might have effect of detracting from emphasis on important action program US undertaking this GA, first in regard to Korea and more generally, in "uniting for peace" resolution. Reliance on those two constructive actions put US in stronger propaganda position than reiterating and paraphrasing Charter and "essentials of peace" resolution. It was noted that this course would amount to substantial change from previous position and would require detailed delegation consideration. Other delegates took position that staff resolution included adequate references to Soviet misconduct. Question was raised whether US should co-sponsor substitute resolution or whether it should hand draft informally to other delegates and permit them to carry on effort without US co-sponsorship. Delegation will continue consideration this item at subsequent meeting.

AUSTIN

¹ The complete text of the minutes of this meeting is located in the IO Files, Doc. US/A/M (Chr)/158, October 18, 1950.

IO Files : US/A/C.1/2170

United States Delegation Working Paper

CONFIDENTIAL

[New York,] October 19, 1950.

ALTERNATIVE SUBSTITUTE FOR SOVIET "PEACE" DECLARATION

The General Assembly

Recalling the adoption by the Fourth General Assembly of its resolution 290 (IV) entitled "Essentials of Peace",

Noting that certain members of the United Nations have failed to carry out this resolution and, in particular, have refused to participate in the constructive work of the United Nations and of the Specialized Agencies,

Believing that aggression is the chief crime against humanity,

Noting that aggression has been committed against the Republic of Korea, contrary to the obligations of the Charter and the recommendations of the General Assembly in the "Essentials of Peace" resolution,

Condemns those responsible for the aggression against the Republic of Korea,

Regrets that certain members have openly supported and espoused such aggression,

Reaffirms its "Essentials of Peace" resolution, and calls upon all Members to carry it out.

320/10-1450 : Telegram

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

CONFIDENTIAL

WASHINGTON, October 19, 1950—5 p. m.

Gadel 55. Re Delga 129, October 14. Dept's preference as indicated in Gadel 29, Oct 5 is to vote down Sov res without substitute. If, however, USGADel shld conclude that this course is not feasible the Dept has fol suggestions re draft contained in Delga 129

1. Preamble is revised so as to read :

"The General Assembly

Convinced that it voices the intense desire of all peoples to live in peace and freedom;

Concerned by the threat to peace and freedom presented by the aggression in Korea and the danger of aggression elsewhere;

Determined to preserve the integrity of free nations by preventing both direct and indirect aggression, the chief crime against humanity, and by carrying out the provisions of its resolution . . . (V), entitled *Uniting for Peace*;

Reaffirms its res 290 (IV) entitled *Essentials of Peace*, regrets that certain members states have failed to comply with said res and calls upon all members of the UN to carry out that res;

Proclaims on behalf of the peoples of the UN this Declaration of Peace and Freedom. The members of the UN declare that they will work together:"

With respect to the operative parts of the draft res, the Dept prefers the text contained in Annex 3, US/A/C.1/1971, Oct. 2, 1950¹ which with amendments shld read as fols :

¹ For text, see Department's telegram Gadel 5, September 21, p. 397. This was the "Free World Appeal" draft resolution.

"1. In sincere and uninterrupted international collaboration to settle disputes by peaceful means, to raise standards of living everywhere, and to combat injustice, intolerance, poverty and fear;

2. To put an end to aggression and subversion and to the betrayal of nationalist independence movements in the interest of a new imperialism;

3. For the regulation and reduction of all armaments and mass armies by means of effective systems of control and inspection;

4. To exercise international sovereignty jointly with other nations to the extent necessary to attain international control of atomic energy which will make effective the prohibition of atomic weapons and assure the use of atomic energy for peaceful purposes only;

5. For a free world dedicated to the observance of human rights, to the removal of barriers to friendly intercourse among peoples, and to the free communication of ideas;

6. For the right to live in peace and call upon all governments to cease all propaganda for war and all propaganda of hatred and suspicion toward other nations in order that we may devote ourselves to the fulfillment of our moral, spiritual and material needs."

ACHESON

320/10-2050 : Telegram

*Secret Daily Summary of Decisions Taken at United States Delegation Meeting, New York, October 20, 1950*¹

Delga 161. Following are Delga decisions October 20:

Soviet "peace" declaration: Delegation reviewed alternatives for tactics re Soviet "peace" declaration: (1) whether US should take initiative in introducing and pushing substitute resolution; (2) let other delegations introduce substitute; (3) consult with delegations believing substitute necessary and co-sponsor suitable resolution without taking position of leadership. Two possible substitute resolutions presented to delegation (US/A/C.1/2144/Rev. 1: US/A/C.1/2170).

Delegation agreed that because US had been pushing other delegations hard on Korea and Uniting for Peace,² it was preferable to relax pressure now and let others take lead. It was suggested that since various other delegations had drafted possible substitutes, US might consult in order ascertain general views. It was possible that since US could not support either of two Yugoslav proposals re peace machinery,³ we might be able to placate Yugoslavs by arranging for

¹ For the complete text of the minutes of this meeting, see the US/A/M (Chr) series (No. 160, October 20, 1950), IO files.

² That is, in the parliamentary diplomacy relating to consideration of these two items by the First Committee, ahead of the Soviet peace declaration in the order indicated.

³ For the two Yugoslav resolutions, see *post*, pp. 416 ff.

them to co-sponsor suitable substitute resolution in this case, although it was noted that other delegations might have some objections. Delegation decided to act on premise that a substitute resolution was necessary and agreed that US should not itself propose such a resolution. Delegation will undertake consultation with Yugoslavs and others in order ascertain whether acceptable substitute can be produced. Questions of US co-sponsorship will be decided in light of these negotiations.

AUSTIN

320/10-2050: Telegram

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

CONFIDENTIAL

NEW YORK, October 20, 1950—8:18 p. m.

Delga 162. Lodge¹ conferred this afternoon at Lake Success with Riddell² and Ritchie³ (Canada) and Younger⁴ (UK) and Padilla Nervo⁵ (Mexico) about possible substitute for Soviet resolution on "strengthening peace." Highlights of their remarks and text of Canadian proposal follows. UK substitute is substantially as given in US/A/C.1/2154.⁶ USDel will meet Saturday during day with British and Canadians to discuss problem further. USDel would therefore appreciate comments from Department at earliest convenience. Pearson (Canada) was reported by Riddell as intending to see Hicker-son Saturday morning. Department and Del reactions should doubtless be coordinated.

Ritchie said Canadians were more inclined than ever to think proper procedure was to offer amendments which would make resolution acceptable to us, but not to Russians. He said amended resolution he handed us was preliminary and might even be changed by Pearson en route to Washington. We gave standard arguments against amending as leading to confusion, protracted debate, and Soviet opportunity to claim credit no matter what result was. Ritchie unimpressed by arguments and Younger seemed to think Canadian view had much merit.

¹ Senator Henry Cabot Lodge, Jr., Representative on the U.S. Delegation.

² R. G. Riddell, Permanent Representative of Canada at the United Nations, Alternate Representative on the Canadian Delegation to the General Assembly.

³ C. S. A. Ritchie, Canadian Assistant Secretary of State for External Affairs, Alternate Representative on the Canadian Delegation.

⁴ Kenneth G. Younger, British Minister of State (Foreign Office), Representative on the British Delegation to the General Assembly.

⁵ Luis Padilla Nervo, Permanent Representative of Mexico at the United Nations, Chairman of the Mexican Delegation to the General Assembly.

⁶ For text, see p. 406.

Younger said UK had begun to show draft substitute approved by their Del to Commonwealth and a few other dels. Canadians had not yet had time to react. USDel heard independently from Australians they did not think much of UK draft.

Neither UK nor Canada had given much thought to question of co-sponsors. Queried as to desirability of Yugoslav co-sponsorship, both thought idea interesting but perhaps difficult for Yugoslavs, particularly if US, UK or France included among co-sponsors. We told Younger we saw possible advantage in avoiding big power sponsorship. He agreed this might be preferable.

In separate conversation Padilla Nervo expressed interest in substitute which he would attempt to draft over weekend, meeting Soviet substantive points by reciting previous Assembly decisions thereon, and perhaps adding one or two other points to give resolution "actuality." He agreed that amendment was undesirable. He volunteered to clear his draft with us and then seek co-sponsors. We agreed to talk further with him on Monday.

Lodge encountered Bebler⁷ (Yugoslavia) briefly and Bebler said he favored a substitute which would say something to man in street, but did not go into details. Lodge did not broach co-sponsorship question to him.

Canadian amended draft follows:

"The GA

Considering that the most important task of the UN is to maintain international peace and security and to strengthen and develop free relations among nations and cooperation among them in solving international problems

Expressing its firm determination to forestall the threat of a new war and sharing the will to peace of the peoples of all the UN

Recalling the unanimous decision of the GA of 1946 as to the necessity for the prohibition of the use of atomic energy for war-like ends

Noting that the events at present taking place in Korea and other areas of the Pacific Ocean emphasizes with added force the extreme importance and urgency from the point of view of international peace and security of unifying for this purpose the efforts of the five powers which are permanent members of the SC and bear special responsibility for the maintenance of international peace and security,

The GA

Decides to adopt the following declaration:

- (1) The GA condemns the propaganda for a new war which is being conducted in a number of countries and urges all governments to use their best efforts to restrain such propaganda;

⁷ Ales Bebler, Permanent Representative of Yugoslavia at the United Nations, Representative on the Yugoslav Delegation to the General Assembly.

(2) The GA recognizing that the utilization of atomic weapons for aggressive purposes is contrary to the conscience and honor of nations and incompatible with membership in the UN, declares itself in favor of a strict system of international inspection and control of atomic weapons. International control would include the right of inspection officials of the international control authority at any time with or without consent of the states concerned:

- (a) To inspect any atomic energy installations or plants of any kind whatever;
- (b) To search for undeclared atomic energy facilities wherever the international control authority has reason to believe they exist.

The GA also declares that the first government to use, for aggressive purposes, the atomic weapon or any other means for mass destruction of human beings against any country thereby commit a crime against humanity.

3. The GA acting in recognition of the need for strengthening peace and taking into account the special responsibilities of the permanent members of the SC for ensuring peace, unanimously expresses its desire:

- (a) That the USA, the UK, France, China and the Soviet Union should combine their efforts for peace and conclude among themselves a pact for the strengthening of peace;
- (b) That these great powers should make a renewed and genuine effort to reach agreement through the appropriate UN organs on measures for disarmament in atomic weapons and other methods for mass destruction and in conventional armaments."

AUSTIN

320/10-2150 : Telegram

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

CONFIDENTIAL

NEW YORK, October 21, 1950—4:51 p. m.

Delga 166. In further consultation this afternoon about tactics for dealing with Soviet resolution on peace, British and Canadian delegations agreed to hold meeting of interested friendly delegations Monday afternoon ¹ 2:15, Lake Success. British will make arrangements and call meeting, inviting France, Canada, Australia, Lebanon, India, Netherlands, Mexico and US. Meeting will have at least two documents before it: UK declaration of peace and freedom and revised Canadian amendments to Soviet resolution. Mexico may have draft substitute along lines suggested in Delga 162. Luns ² (Netherlands)

¹ October 23.

² J. M. A. H. Luns, Adviser to the Netherlands Delegation to the General Assembly.

told Coulson³ (UK) that Netherlands might also have substitute. Malik⁴ (Lebanon) may have substitute as well.

Plan of meeting is to get agreement on tactics, particularly whether to attempt amendment or to offer substitute. Group may also attempt to decide on sponsors for either substitute or amendments.

Lodge passed on to Ritchie (Canada) Department's views on Canadian amendments as given by Sandifer and Shooshan⁵ on phone this morning. Ritchie agreeable to amendments but said he must check with Pearson. He suggested he might put in his draft in present form and have group consider any changes we wished to suggest. USDel would therefore hope to have Department's suggested language on Canadian draft by Monday noon. Possibly it would be adequate to change first operative paragraph of Canadian draft by inserting first operative paragraph of GA resolution 110 (II), which condemns propaganda but does not urge governments to restrain it; change paragraph 2 by inserting general injunction against aggression and introducing atomic energy section by reciting last paragraph of essentials of peace, and drop paragraph declaring that first government to use for aggressive purposes atomic weapon will commit crime against humanity. Ritchie has already changed sub-paragraph (a) of paragraph 3 from call for 5-power pact to call for general agreement and combining their efforts for peace. UK has added additional paragraph to its declaration of peace and freedom:

"Responds to the desire of all mankind for a reduction of armaments and the prohibition of atomic weapons by accepting UN plans for effective control and inspection which would give all states and peoples reliable assurances that they will not again be subjected to the horrors of war."

USDel would like to know whether this language is acceptable, or whether following language from staff's latest draft resolution (US/A/C.1/2144/Rev. 1) is preferable or acceptable:

"Regulate and reduce all armaments and armed forces under a UN system of control and inspection; and make possible the prohibition and elimination of atomic weapons under a UN system which will provide dependable safeguards that atomic energy will be developed for peaceful purposes only."

AUSTIN

³ J. E. Coulson, Minister Plenipotentiary, Adviser to the British Delegation to the General Assembly.

⁴ Charles Malik, Lebanese Minister to the United States, Representative on the Lebanese Delegation to the General Assembly.

⁵ Harry M. Shooshan, Jr., of the Office of United Nations Political and Security Affairs, Department of State.

320/10-2150 : Telegram

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

CONFIDENTIAL

WASHINGTON, October 23, 1950—6 p. m.

429. Ref Delga 162 Oct 20 and 166 Oct 21. Since it now appears that it would not be feasible to vote down Soviet resolution on strengthening peace, Department's next preferred position is to support a substitute resolution. Text (contained in US/A/C.1/2144/Rev.1) would be satisfactory basis for negotiations with other dels. US itself should not sponsor such resolution.

In Department's opinion Soviet resolution does not lend itself readily to amendment and, therefore, Department prefers substitute as set forth in USDel Document referred to above, in order to make clear majority position on essentials of peace.

We think Canadian text parallels Soviet text to such an extent as to preclude possibility of its acceptable modification. Canadian text is unsatisfactory in following specific respects: If operating para 1, which follows Soviet language, is adopted, Soviets will claim GA approval of Soviet doctrine that US is warmonger. This para not readily susceptible of amendment and can not be accepted. Operating para 2 is complete departure from US position on atomic energy control and regulation of armaments in two main respects:

(a) it would have effect of diluting UN control plan through emphasizing one important but not primary feature of the plan, namely "inspection".

(b) Para condemning first government to use atomic weapons for aggressive purposes is completely objectionable. In event of use of weapon, Soviets could readily obscure issue of responsibility for aggression. US position is that there must be no restriction upon use of weapon unless and until effective control achieved. Apparent Canadian objective is to make aggression itself the crime, but amended para fails to do this, especially since language is still directed at weapons of mass destruction and would thus exclude land armies. Possible alternate language for para 2 would be as follows: "The General Assembly calls upon every nation to agree to the exercise of national sovereignty jointly with nations to the extent necessary to attain international control of atomic energy which would make effective the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only." Operating para 3a is as objectionable this year as it was last year and on the same ground, as it adds nothing to Charter obligations and merely serves to distract attention from essentials of peace.

Any substitute resolution or amendments to Soviet resolution should specifically reaffirm essentials of peace resolution even though this already done in preamble Uniting for Peace Resolution.

Para 3 of preamble states Soviet and not US position in discussing prohibition of atomic weapon without referring to effective control of atomic energy. Possible amended language would be as follows: "Recalling the unanimous decision of the General Assembly of 1946 as to the necessity of effective control of atomic energy which would ensure that atomic energy cannot be used for war-like ends".

Department in main prefers USDel language on armaments to UK version as quoted in Delga 162 on grounds greater clarity. USDel text might, however, be somewhat expanded substantially as follows: "In response to the desire of all mankind for reliable assurance that they will not again be subjected to the horrors of war, regulate and reduce all armaments and armed forces under a UN system of control and inspection; and make possible the prohibition and elimination of atomic weapons under the UN plan which will provide dependable safeguards that atomic energy will be developed for peaceful purposes only." You will note the substitution of the phrase "the UN plan" for "a UN system" in the second part of the para quoted immediately above, which makes this language more precise insofar as US position is concerned.

ACHESON

IO Files: US/A/M (Chr)/161

*Minutes of Twenty-sixth Meeting of the United States Delegation,
New York, October 23, 1950, 9:15 a. m.*

SECRET

[Here follows list of persons present (44).]

1. *Yugoslav resolutions on "Duties of States in the Event of the Outbreak of Hostilities" and "Establishment of a Permanent Commission of Good Offices"* (US/A/C.1/2176) ¹

Mr. Henkin recalled the Delegation's previous discussion of this item.² The purpose of this presentation was to discuss the substance of the item and to seek the views of the Delegation in confirmation of the opinion of the Staff and Senator Lodge that neither of the Yugoslav proposals was acceptable. He drew the Delegation's attention to

¹ For texts of the two draft resolutions, see GA (V), *Annexes*, vol. II, fascicules 72 and 73, respectively.

² This occurred at the delegation meeting on October 20 but only peripherally in connection with discussion of the Soviet peace declaration item (minutes of 25th Meeting, IO Files, Doc. US/A/M (Chr)/160).

document US/A/C.1/2176,³ containing the texts of the two Yugoslav resolutions which, he noted, bore no definite relationship to each other.

The first of the resolutions dealt with the duties of states in the event of an outbreak of hostilities. It provided that if any state were involved in hostilities, it must declare within the first twenty-four hours of fighting that by midnight of the following night it would cease fire and, within the next forty-eight hours, withdraw its troops behind the line of original aggression. The Yugoslavs regarded this resolution as an automatic cease-fire and thought that it would have a certain deterrent effect upon any aggressor. However, they recognized that the resolution, in its present form, would require amendment. There was no provision, for example, for the right of collective self-defense. Neither did the resolution go into the question of aggression in the ordinary sense. The weakness of the resolution lay in the fact that its application was automatic and provisions were oversimplified. If any state failed to do the things provided in the resolution, it was automatically branded as an aggressor in the eyes of the world community. Mr. Henkin considered the resolution constituted an unnecessary and unrewarding excursion into the definition of aggression since it constituted only a partial attempt to define this term and did not take enough of the factors involved into account. He believed the resolution would require radical revision. Even then, there was a real question as to whether it would serve any purpose. Also, it would not appear to assist Yugoslavia materially in its own situation.⁴

Turning to the second resolution, establishing a sort of good offices committee, Mr. Henkin explained that this resolution would provide for conciliation services in any case. The Yugoslav assumption was that such a body could act more speedily and secretly than existing agencies. The proposal had some advantages because the proposed commission could get into cases before they reached a state of tension which would bring them to the Assembly, for example, the commission would be authorized to attempt to conciliate positive sore points in advance. Mr. Henkin referred to other proposals for conciliation bodies which had been made in the United Nations, such as that

³ Not printed. Most of its substance is covered here by Mr. Louis Henkin and much of its language is repeated verbatim. Neither this position paper nor the delegation discussion seemed to reflect a concern of the Department of State, set forth in telegram Gadel 21, October 2, 7 p. m. (320/10-2550), at the time the two Yugoslav resolutions were inscribed on the agenda of the General Assembly: "Dept anxious however encourage constructive Yugoslav efforts in UN and desires find device for disposing resolution while indicating US has given sympathetic consideration Yugoslav views and objectives."

⁴ A reference to the sharpening conflict between Yugoslavia and the states of the Cominform. Documentation regarding U.S. policy relating to this subject is scheduled for publication in volume iv.

proposed by Lebanon in 1948 and still pending before the Interim Committee. If the General Assembly should consider the Yugoslav proposal, he believed it should be referred to the Interim Committee for consideration along with other matters on conciliation. If the Assembly were to consider it directly, it would be a slap at the work of the Interim Committee. On the merits there were certain objections to the proposal. There were both legal and political questions with respect to letting this body take up cases on its own initiative. It was also to be authorized to deal with matters already on the agenda of the Security Council and with which the latter was dealing actively; this provision seemed to violate Article 12 of the Charter.

Summing up, Mr. Henkin said that the staff could not recommend that the Delegation support either proposal. The first had no merit at all; it was not likely to receive support from anyone else. He hoped the Committee would simply recommend that no action be taken. If the Yugoslavs wanted something slightly better than this, we could go along with postponing the item to the next Assembly. On the next Assembly agenda there would be the declaration on the rights and duties of states, and this matter could logically be considered in connection with that item. As to the second proposal, if it were passed, the only thing which could be done would be to refer it to the Interim Committee in connection with the Lebanese conciliation proposal.

[Here follows inconclusive discussion of the question of sponsorship of the proposed substitute resolution.]

Mr. Hyde agreed with Mr. Henkin's recommendation. He believed no useful purpose would be served by putting the Yugoslav resolution into the Interim Committee, but there was a related proposal there, and there was no real reason why they should not be taken together. The Lebanese proposal, as a matter of fact, had the same legal and political difficulties since it really proposed to create a new organ of the United Nations. Possibly we could isolate the real idea that somehow or other some United Nations organ could concern itself with tension in an area before it reached the action stage. Mrs. Roosevelt asked whether our own "Uniting for Peace" proposal did not cover this idea in establishment of the Peace Observation Commission. Mr. Hyde agreed that it did and regarded it as a far sounder approach. Senator Lodge asked whether the Peace Observation Commission could go where it wanted to without direction. Mrs. Roosevelt replied that authorization from the appropriate United Nations organ was necessary.

Senator Lodge believed that Mr. Bebler deceived himself when he thought that any conciliation activity was possible on a secret basis. Mrs. Roosevelt agreed that Mr. Bebler was quite unrealistic. Mr. Henkin suggested that we could tell Mr. Bebler our "Uniting for Peace" proposal had carried out all these things more effectively. He

noted that the Yugoslavs expected us to approve their ideas and then carry the ball for them. He was never quite clear as to what they had in mind in introducing the resolutions in the first place—probably conciliation between the Comintern and Yugoslavia. He felt that their real interest was in getting the Comintern branded, rather than in conciliation.

Mrs. Roosevelt referred to a visit she had had with Mr. Bebler last summer. At that time he had thought troops were being massed on the Bulgarian border and that Yugoslavia would be accused of preparing for war. He had been very much worried that such a charge would be believed and had wanted people to come from all over to verify the fact that Yugoslavia was not actually preparing for war. He had asked her to inquire of several prominent Americans whether, if they were invited, they would come to Yugoslavia under this circumstance. However, in the end the Yugoslavs had invited no one. Mrs. Roosevelt agreed that Yugoslavia did not expect any better understanding with the Comintern but simply wanted to see Russia branded as the aggressor. She thought the Delegation should remember how vitriolic a voice Bebler used to be against us.

Senator Lodge said that he would see Mr. Bebler this afternoon. He wondered whether he could say to him that the United States, as a member of the Peace Observation Commission, would take a special interest in seeing that aggression against Yugoslavia was recognized as such. Mrs. Roosevelt believed that what would probably allay Bebler's fears most would be the presence of neutral observers in his country to affirm that Yugoslavia had undertaken no preparation for a war. Mr. Henkin pointed out that Yugoslavia would have to invite the representatives of such a Commission to come. He was sure, if such an invitation were issued, that a group would be sent, since this was an area of tension.

[Here follows discussion of other agenda items.]

320/10-2350 : Telegram

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

CONFIDENTIAL

NEW YORK, October 23, 1950—9:17 p. m.

Delga 172. At meeting called this afternoon by UK to consider tactics for dealing with Soviet resolution on "strengthening peace", Pearson (Canada), Spender¹ (Australia), and Nambiar² (India)

¹ P. C. Spender, Australian Minister of State (External Affairs), Chairman of the Australian Delegation to the General Assembly.

² A. C. N. Nambiar, Alternative Representative on the Indian Delegation to the General Assembly.

and Lebanon favored amending Soviet resolution so as to make it acceptable to us. Younger (UK), Lacoste³ (France), Goedhart⁴ (Netherlands), Jooste⁵ (South Africa), Padilla Nervo (Mexico), and Lodge favored offering substitute. Group agreed to divide into two working parties, those favoring substitute to draft agreed text and those favoring amendment to draft agreed amendments. Menon subsequently indicated that India didn't actually favor amending but would probably offer substitute resolution of its own. Whole group will meet Tuesday 3:30 at USDel to choose between alternative courses and decide on co-sponsors.

At subsequent meeting of those favoring substitute resolution Goedhart offered draft Netherlands resolution. Younger did not circulate UK draft declaration on peace and freedom but accepted Netherlands' draft as basis for study. After extensive revision group agreed ad referendum on following draft:

"The General Assembly

Recognizing the profound desire of all men and women to live in enduring peace and security,

Confident that, if all governments faithfully reflect the desires of their people, such lasting peace and security can be established,

Solemnly reaffirming that, whatever the weapons used, any aggression, whether committed openly or by fomenting civil strife, is the gravest of all crimes against peace and security throughout the world,

Determines that for the realization of lasting peace and security it is indispensable:

1. That prompt and forceful united action be taken against aggression,
2. That every nation agree
 - (a) To accept effective international control and inspection of atomic energy under the United Nations plan,
 - (b) To regulate all armaments and armed forces under a United Nations system of control and inspection, with a view to their gradual reduction.

Declares that this can be achieved if all the members of the United Nations observe their obligations under the Charter and thus demonstrate by their deeds their will to achieve peace."

AUSTIN

³ François Lacoste, Minister Plenipotentiary, Alternate Permanent Representative of France at the United Nations, Consultative Adviser to the French Delegation to the General Assembly.

⁴ G. J. van Heuven Goedhart, Vice Chairman of the Netherlands Delegation to the General Assembly.

⁵ G. P. Jooste, Permanent Representative of South Africa at the United Nations, Vice Chairman of the South African Delegation to the General Assembly.

IO Files : US/A/C.1/2188

Memorandum of Conversation

CONFIDENTIAL

[NEW YORK,] October 23, 1950.

Participants: Dr. Ales Bebler—Yugoslav Delegation
Senator Henry Cabot Lodge, Jr. } —United States
Mr. Louis Henkin } Delegation
Mr. Thomas J. Cory }

Dr. Bebler today handed to Senator Lodge an amended draft resolution on the "Duties of States in the Event of the Outbreak of Hostilities" and expressed his hope that the amendments would take care of the various American objections set forth on October 11 (US/A/C.1/2125).¹ A copy of the amended draft resolution is attached.

In reply to Dr. Bebler's inquiry, Senator Lodge stated his belief that the "Uniting for Peace" resolution is a major achievement in the history of the United Nations and will greatly benefit Yugoslavia's position vis-à-vis the Cominform States. Senator Lodge failed to see how the two Yugoslav draft resolutions could be of much additional assistance. The Senator added that he had been authorized to state that if the Commission or a sub-group is sent to Yugoslavia, the United States representative on the Peace Observation Commission will be especially alert to the fears of Yugoslavia and to any threats to its security from the Cominform States.

Dr. Bebler was further informed that the United States believes the General Assembly will not be in a mood to consider the two draft resolutions after it has finished with the Soviet "Peace Declaration". By then it already will have spent a great deal of time on peace machinery. Furthermore, it appears that few other Delegations have shown much interest in the two draft resolutions.

The United States Delegation therefore felt that, for these and other reasons which previously have been explained to Dr. Bebler, the first draft resolution on the "Duties of States" should not be pushed at this session, especially since the United States probably could not support it regardless of amendments. Dr. Bebler was asked whether he had given thought to having this item postponed until the Sixth General Assembly, for consideration at that time in conjunction with the "Declaration on the Rights and Duties of States". Senator Lodge, however, promised to submit the amended draft resolution to the United States Delegation and the Department of State for further study.

Dr. Bebler was informed that the United States Delegation thinks

¹ Not printed. In a meeting between Senator Lodge and Dr. Bebler on October 11, Lodge had voiced U.S. objections to the two resolutions along the lines set forth to the U.S. Delegation by Mr. Henkin in the meeting of October 23.

there is an idea worth studying in the second draft resolution on the "Establishment of a Permanent Commission of Good Offices". It was suggested to him that this draft could well be referred to the Interim Committee for study in conjunction with the Lebanese draft resolution of 1948.

Dr. Bebler did not seem particularly surprised or displeased at the American objections. Dr. Bebler seemed to concede that "Uniting for Peace" had reduced considerably the value of the two Yugoslav draft resolutions, but he still hoped the United States might support at least his first resolution and will await the results of our study of his amended draft.

[Attachment]

*Text of Revised Yugoslav Draft Resolution Handed to Senator Lodge by Dr. Bebler, New York, October 23, 1950*²

[Here follows the text of the preamble, which is the same as that of the original draft resolution; see GA (V), *Annexes*, Volume II, fascicule 72.]

Considers that every State, having become engaged in hostilities with another State or with other States, shall, at their very outset, and in any case not later than 24 hours thereafter, make a public statement, whereby it will proclaim its readiness to issue a cease fire order, *prohibit the violation of air space* and withdraw its armed forces beyond the frontier or demarcation line or from the territorial waters of the opposing party, insofar as it has crossed the said boundary or entered the said territorial waters,

and that each of these States shall, at midnight on the day on which the said statements are made, put the cease fire order into effect, *cease the violation of air space* and begin the withdrawal of its armed forces beyond the frontier or demarcation line or from the territorial waters of the opposing party, this withdrawal to be completed not later than within 48 hours from the moment of the cease fire;

Calls upon every State which is engaged in hostilities against another State or States immediately to inform the Secretary-General about the outbreak of hostilities and the statement made, so that, if need be, measures falling within the competence of the United Nations may be taken;

² The italic portions indicate additions to the original text, except for the word "considers" in the first paragraph and the word "determines" in the fourth paragraph. This amended text, minus the italics, was sent to the Department in telegram Delga 179, October 24, 7 p. m., with the recommendation: "Staff believes revision does not cure basic difficulties and defects Yugoslav proposal. Will suggest Senator Lodge so inform Bebler unless Department perceives objection." (320/10-2450). In Telegram Delga 179, October 25, 2 p. m., to USUN, the Department indicated agreement with the view that the revised Yugoslav resolution did not overcome original objections (320/10-2550).

Determines that every State which, having become engaged in hostilities with another State or with other States, does not make the above statement, or, which, having made it, fails to act in accordance with the provisions of the previous paragraph, shall be considered an aggressor and shall be held responsible before the international community for the breach of the peace;

Determines that the provisions of the present resolution in no way impair the general obligations of States under the Charter or the decisions or recommendations of the Security Council, General Assembly, or any other competent organ of the United Nations;

Determines that the present resolution shall not apply to the measures taken by the United Nations, or by other States coming to the assistance of a State which has become the victim of aggression, in accordance with the obligation of collective defense.

320/10-2350 : Telegram

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

SECRET

WASHINGTON, October 24, 1950—4 p. m.

Gadel 66. Ref Delga 172 of Oct 23. Dept believes that proposed draft substitute res on strengthening peace furnishes gen satisfactory basis for dealing with Sov item if counter-resolution turns out to be necessary.

Preferable wording for para 2 wld be as follows:

"That every nation Agree:

- a. to accept effective international control, including inspection, of atomic energy under the UN plan;
- b. to regulate all armaments and armed force under a UN system of control, including inspection, with a view to their gradual reduction."

You may wish to consider the following additional suggested changes.

The 4th para might be revised as follows:

"Determines that among the conditions indispensable for the realization of lasting peace and security are:"

An additional clause might be added to the final para so that it wld read as follows:

"Declares that this can be achieved if all the members of the UN observe their obligations under the Charter, *Observing in particular the basic principles of an enduring peace as set forth in the GA Essentials of Peace res of Dec 1, 1949*, and thus demonstrate by their deeds their will to achieve peace."

ACHESON

320/10-2450 : Telegram

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

CONFIDENTIAL

NEW YORK, October 24, 1950—7:39 p. m.

Delga 177. Re Delga 172, October 23. Second meeting this afternoon with same countries represented. Canada, Lebanon, Australia agreed to abandon idea of amending Soviet resolution and to accept substitute. Revised proposed substitute Soviet resolution "strengthening peace" as follows:

"The General Assembly

Recognizing the profound desire of all mankind to live in enduring peace and security,

Confident that, if all governments faithfully reflect this desire and observe their obligations under the Charter, such lasting peace and security can be established,

Solemnly reaffirming that, whatever the weapons used, any aggression, whether committed openly or by fomenting civil strife, is the gravest of all crimes against peace and security throughout the world,

Determines that for the realization of lasting peace and security it is indispensable:

1. That prompt united action be taken against aggression,
2. That every nation agree
 - a) To accept effective international control of atomic energy under the UN on the basis already approved by the GA in order to make effective the prohibition of atomic weapons,
 - b) To regulate all armaments and armed forces under a UN system of control and inspection, with a view to their gradual reduction.

Declares that these goals can be attained if all the members of the UN demonstrate by their deeds their will to achieve peace."

UK, France, Mexico and Lebanon indicated they may co-sponsor and would inform Goedhart tomorrow. Plan to introduce resolution tomorrow afternoon. Staff believes consideration be given to US sponsorship if enough other countries join and will raise question tomorrow's del meeting.

India intends to introduce proposal under Soviet agenda item "strengthening peace" for UN peace fund (see text Delga 178)¹ in order to stimulate discussion, but is prepared to withdraw it with a view to possible introduction at later session GA if a short reference

¹ Not printed.

to subject is inserted in Netherlands proposal. Goedhart indicated possibility of adding paragraph 2(c) above text along following lines: "to devote resources saved as result of disarmament to efforts to raise standard of living everywhere." This would be agreeable to Rau.

Department may wish to relay to Moscow.

AUSTIN

Editorial Note

Following approval by the Department of the draft transmitted in Delga 177 (telegram Gadel 71, October 25, 320/10-2550), the United States joined with France, Lebanon, Mexico, the Netherlands, and the United Kingdom in submitting the joint draft resolution as a substitute for the Soviet resolution (U.N. Doc. A/C.1/597); the draft subsequently received a new title, "Peace Through Deeds" (October 28). For the legislative history in the First Committee of this resolution; the original Soviet resolution; resolutions introduced by Bolivia, Egypt, Greece, and India; and last-minute Soviet-bloc amendments to the joint resolution, see United Nations, *Official Records of the General Assembly, Fifth Session, First Committee*, pages 175 ff. (hereafter cited as GA (V), *First Committee*). The Committee's deliberations took place in 12 meetings from October 23 to November 3, with the result that the Soviet resolution was rejected and the joint resolution was adopted with some changes and the addition of two new sponsors, Bolivia and India. For texts of the various resolutions and other relevant documentation, see GA (V), *Annexes*, volume II, fascicule 69.

The resolution was forwarded to the General Assembly for approval accompanied by a companion resolution entitled "Condemnation of Propaganda against Peace." This resolution was sponsored by Chile and was originally introduced as an amendment to the joint resolution (October 27). Agreement was reached subsequently between the co-sponsors of the joint resolution and Chile that the Chilean proposal should be introduced as a separate resolution. This procedure had the "warm support" of the Department of State (telegram Gadel 80, October 30, 320/10-3050). For text of the Chilean resolution, see *ibid.*, page 7, Resolution B (Resolution A was the joint resolution).

General Assembly consideration and adoption of the two resolutions, "Peace Through Deeds" and "Condemnation of Propaganda Against Peace," took place on November 17. For the proceedings, see GA (V), *Plenary*, volume I, pages 429 ff.

320/10-3050 : Telegram

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

SECRET

[WASHINGTON,] October 30, 1950—7 p. m.

Gadel 79. While Dept sees certain obvious educational advantages in Pearson's suggestion for full-scale debate on threats of aggression against Yugo (Delga 189),¹ we doubt present tactical feasibility doing so in connection Yugo Res on aggression, primarily for fol reasons:

1) Such debate wld lend color and importance to Yugo Res and make difficult for us and other dels oppose or defer its passage.

2) Since Yugo Res directed against aggression in genl, any debate as Pearson suggests cld not and shld not be limited to aggression against Yugo but shld also bring in aggression in other areas. After lengthy debates on Korean Res, Uniting for Peace and Sov item, we doubt whether Comitee wld be disposed to greet a new anti-Sov debate with any great enthusiasm.

3) While implications not yet clear to Dept, Tito² ref yesterday in Zagreb speech to possible appeal to UN against USSR and Cominform³ states may indicate wisdom leaving in Yugo hands timing, forum and manner of UN presentation of charges of threats of aggression. However, even if way cld be found to overcome difficulties raised in 1 and 2 above full consultation with Yugo Del and its advance agreement and cooperation wld be necessary before any debate, such as Pearson suggests shld be launched.

ACHESON

¹ October 27, not printed. USUN had reported that "Ritchie, Canadian Delegation, said today Pearson thinking of idea utilizing the Yugoslav resolution on aggression for full debate on the threats of aggression which had been made against Yugoslavia. . . . This was not made as a proposal, but merely as tentative idea which Pearson thinking about. Department's reaction requested." (320/10-2750)

² Josip Broz Tito, Yugoslav Prime Minister.

³ This was one of a series of preelection speeches that Tito was making at this time.

320/10-3150 : Telegram

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

CONFIDENTIAL

NEW YORK, October 31, 1950—2:11 p. m.

Delga 200. Gadel 64, October 23. Two Yugoslav draft resolutions were discussed yesterday at special meeting of US, UK, French and Canadian representatives. There was general agreement that neither proposal has much merit but that it is unlikely Yugoslavia will consent to withdraw them, particularly "duties of states in event of outbreak of hostilities" (A/C.1/604). Representatives felt Yugoslavia

probably would consent for second resolution to be referred to IC for study provided it gets satisfactory action first resolution.

Representatives agreed that for political reasons it is highly desirable, if at all possible, to avoid embarrassing Yugoslav delegate by rejecting first resolution outright.¹ With this in mind, Soskice (UK) volunteered try to redraft first resolution in such manner as to eliminate its bad features and yet retain enough be recognized as Yugoslav proposal. Representatives will meet again to examine Soskice's draft.

Representatives not sanguine that Soskice's draft will provide satisfactory compromise. It was considered, however, that even an unsuccessful effort to reach such compromise will be useful if and when the representatives find themselves obliged to recommend that Yugoslavia withdraw both resolutions or at least consent their being pigeon-holed in IC or postponed for consideration by 6th GA.

Meeting decided each delegate should remain free to conduct conversations with Yugoslavs.

AUSTIN

¹ On this point the U.S. minutes of the meeting read: "The four Delegations agreed that the best solution would be to persuade the Yugoslav Delegation to withdraw its resolutions. As an inducement to do so, Sir Frank Soskice [Representative on the British Delegation to the General Assembly] suggested the possibility that in the course of [First Committee] debate statements be made promising Yugoslav support under the Charter or Uniting for Peace in the event of Cominform aggression. It was felt, however, that no Delegation was in a position to make definite commitments of action by its government, although it was most important in private conversations to impress upon Yugoslavia the fact that Western opposition to the two resolutions does not mean the Western democracies wish to avoid assisting Yugoslavia in case of aggression against her. It was agreed that in the debates one or more delegations might indicate that the ultimate objectives of the Yugoslav resolution are achieved by Uniting for Peace resolution and that Yugoslavia will be able to avail itself if necessary of the machinery established by that resolution." (IO Files, Doc. US/A/C.1/2234, October 30, 1950)

320/11-150: Telegram

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

CONFIDENTIAL

NEW YORK, November 1, 1950—7:44 p. m.

Delga 212. Re Gadel 82, October 31.¹ Further meeting representatives Canada, France, UK, US re Yugoslav items. Lacoste (France) reports Yugoslavs continue to insist on basic principles their resolution "duties of states" though willing to accept any amendments.

Meeting decided Sir Frank Soskice (UK) would meet with Yugoslavs and communicate along following lines. Canada, US, UK have

¹ Not printed; see footnote 2 below.

been exchanging views. All have reluctantly concluded they cannot accept present proposals and hope that Yugoslavs will agree to withdraw item or have it pigeon-holed by postponement to next year or referral to another body. If Yugoslavs insist that they cannot comply, Sосkice will indicate four countries anxious to go as far as possible to meet Yugoslav position this question and, subject to clearance with their governments, prepared to support following substitute² if Yugoslavia will offer it.

Text agreed upon as follows:

"Recommends that if a state becomes engaged in armed conflict with another state or states, it immediately, and in any case within twenty-four hours thereafter,

"(a) Notify the SYG for communication to the SC and to the members of the UN of the outbreak of the armed conflict and the circumstances surrounding such outbreak.

"(b) In such notification show cause and justification under the charter, if any exists, for becoming engaged in and continuing the armed conflict, and

"(c) In such notification state that it is ready and willing to abide by any cease-fire resolution or other decision of the Security Council or recommendation of the General Assembly for the maintenance of international peace and security.

"Recommends that the conduct of the states concerned in relation to the matters covered by the foregoing recommendation shall be taken into account in any proceedings before the SC or before the GA sitting in general or special session, as the case may be."

Sосkice expected to see Yugoslavs this evening.

AUSTIN

² The U.S. Delegation had received preliminary clearance from the Department for the substance of this draft, on October 31 (Deptel Gadel 82, October 31, 7 p. m., 320/10-3150).

320/11-250 : Telegram

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

CONFIDENTIAL

NEW YORK, November 2, 1950—7:31 p. m.

Delga 220. Reference Delga 212, November 1. At meeting today Sосkice reported conversation with Bebler. Bebler started by stating Sосkice ideas wholly unacceptable as substitute for Yugoslav proposal. On its own merits, Bebler could not accept sub-paragraph c and would be compelled to vote against it if it were introduced. Further discussion indicated that Yugoslavia prepared to drop idea of branding

non-complier as aggressor, but feels strongly about retaining automatic cease-fire.

Bebler suggested that best tactics might be for Yugoslavia to introduce its present resolution but indicate that it feels strongly about objectives but not about form, and invites discussion. Then other countries might speak stating support for objectives Yugoslav proposals but indicate difficulties with present draft and suggest possible changes along lines Soskice proposal. It might then be sent to a sub-committee where new agreed text might emerge.

Soskice suggested Bebler try to come up with some suggestions re proposed substitute which might be basis for agreement. In parting Soskice threw out as personal idea, subject to further thought and clearance, suggestion discussed at earlier meeting for sentence which might meet part way Yugoslav insistence on automatic cease-fire. Such sentence might recommend that state becoming engaged in hostilities shall take all practicable steps to bring them to an end as soon as possible. Bebler appeared interested and will study it.

Meeting today agreed tactics suggested by Bebler might be preferable to having US, UK, Canada, France speak against Yugoslav resolution, particularly since it is not clear what the Soviets will do. It was thought, however, that sub-committee idea entails dangers and that it would be preferable if possible to achieve a text in advance which would be acceptable to all. Such a text might start with sentence along the lines Soskice suggestion to Bebler, then add text previously agreed on (Delga 212), but dropping paragraph *c* of that text if Bebler insists. New text then might begin along following lines:

"Recommends that if a state becomes engaged in armed conflict with another state or states, it shall take all steps practicable in the circumstances to bring the armed conflict to an end at the earliest possible moment in accordance with the principles of justice and the Charter of the UN. In addition, it shall immediately, in any case, within twenty-four hours, after the outbreak of armed conflict. . . ."

Representatives agreed to consult their governments along these lines and meet again as soon as instructions received.

Yugoslav item may come up Committee I Saturday, probably Monday.¹

Department's comments requested.

AUSTIN

¹ The First Committee began its consideration of the proposed Yugoslav resolution, "Duties of States in the event of the outbreak of hostilities," on November 4; for the committee proceedings, see GA (V), *First Committee*, pp. 247 ff. At this time the chairman of the Yugoslav Delegation, Foreign Minister Edvard Kardelj, introduced a resolution which followed very closely the text of the October 23 draft on p. 422; for the exact text see U.N. Doc. A/C.1/604, October 30, 1950 in GA (V), *Annexes*, vol. II, fascicule 72, p. 3.

320/11-750: Telegram

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

CONFIDENTIAL

NEW YORK, November 7, 1950—12:18 a. m.

Delga 244. Re Delgas 212, November 1 and 220 November 2. Another meeting this afternoon¹ at which Australia was also represented group considered first Cuban amendments Yugoslav proposal (A/C.1/609).² Conclusion reached that these amendments did not cure basic difficulties of Yugoslav proposal since they did not eliminate provision for automatic cease-fire. In addition, Cuban amendment created new difficulties. It contemplates that peace observation commission could go to area of tension on own motion or at request SYG. This would constitute a radical revision in Uniting for Peace resolution. There was also some question whether function conferred on Peace Observation Commission by Cuban amendment did not extend original terms of reference of commission.

To placate Cuba, decided, *ad referendum*, add new provision (c) to suggested substitute (Delgas 212 and 220) along following lines:

"c. In such notification, state whether it will receive immediately in its territory and cooperate with the Peace Observation Commission, or a subcommission or observers designated by the commission."

It was decided that Sir Frank Soskice should inform Kardelj (Yugoslavia) that Yugoslav proposal, even with Cuban amendments, still entirely unacceptable. We prepared adopt Cuban idea in form indicated and hoped Yugoslavia could accept our suggestions and introduce substitute which we could support.³ If Yugoslavia refused, group concluded that no substitute would be introduced since no one felt sufficiently enthusiastic about agreed substitute to wish to sponsor. In that case, feeling was that countries represented might simply vote against Yugoslav proposal.

Re Soviet definition of aggression, feeling was to vote it down without much debate.⁴ It was recognized, however, that some countries which in past favored definition of aggression, particularly some Latin American States, might not be willing dismiss proposal out of hand, and that it might prove necessary to refer feasibility and desirability of definition of aggression to some group like the Interim Committee for study.

AUSTIN

¹ November 6.

² For text, see GA (V), *Annexes*, vol. II, fascicule 72, p. 5.

³ This refers to the text on p. 428.

⁴ At the First Committee meeting on November 6, the Soviet delegate (Zarubin) introduced a draft resolution which presumed to attempt a comprehensive definition of aggression (GA (V), *First Committee*, pp. 255 ff.); for text, see GA (V), *Annexes*, vol. II, fascicule 72, p. 4.

320/11-750: Telegram

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

CONFIDENTIAL

WASHINGTON, November 7, 1950—7 p. m.

Gadel 102. Re Delga 244 November 7, 1950. In Dept's view most desirable alternative re Yugo proposals would be: a) adoption of acceptable substitute for first proposal on "duties of State in event of outbreak of hostilities," b) reference to IC of second proposal for commission of good offices.

If adoption of substitute not possible Dept doubts whether original text of first Yugo proposal could be simply voted down without prejudice to Yugo position and for this reason is anxious to avoid such course. Perhaps this proposal could also be referred to IC. Reference of first Yugo proposal to IC would become imperative if Soviet resolution for definition of aggression (Delga 237¹) is referred to IC.

Dept agrees Soviet resolution should be preferably voted down for reasons outlined in Lodge's speech² or referred to IC if considerable sentiment develops for latter alternative.

Dept believes discussion of Soviet resolution offers admirable opportunity for pointed inquiries directed to SovDel as to applicability of proposed definition of aggression to such situations as Russo-Finnish war, North Korean aggression and Chinese Commie armed intervention in Korea.

Reference could also be made to fact that definition of aggression offered in Sov resolution differs from that included e.g. in Convention defining aggression signed at London July 3, 1933, between USSR,

¹ The text of the Soviet draft resolution was transmitted in this telegram.

² During a statement to the First Committee on November 7 regarding the Yugoslav resolution, Senator Lodge commented with some care upon the Soviet proposal to define aggression: "The Government of the United States had always considered, and was still of the opinion, that no definition of aggression could be exhaustive and that any omission might encourage an aggressor. It would be noted, for example, that the definition proposed by the USSR delegation contained no reference to indirect aggression, to subversion or to the fomenting of civil strife. Any attempt at a comprehensive definition of aggression was inconsistent with the provisions of the Charter, particularly with Article 39, which provided that the Security Council should determine the existence of any act of aggression and take the necessary steps to put an end to it. A definition of aggression adopted by the General Assembly could not be binding upon the Security Council and would not even bind the General Assembly itself when it considered whether there had been aggression in a particular case. If the definition of aggression proposed by the USSR had already been adopted, the Soviet Union would no doubt have attempted to claim that there had been no aggression against the Republic of Korea on 25 June 1950 or that it had been the forces of the United Nations which had committed aggression in Korea. It was not a definition of aggression which was needed, but the determination of all the Member States to live up to the principles of the Charter." (GA (V), First Committee, p. 262)

Rumania, Estonia, Poland, Turkey, Persia, Afghanistan.³ This definition includes among others following acts as constituting aggression :

"Provision of support to armed bands formed in its territory which have invaded the territory of another State, or refusal, notwithstanding the request of the invaded State, to take, in its own territory, all the measures in its power to deprive those bands of all assistance or protection." (See Hudson, *International Legislation*, Vol. VI, 1932-4, p. 413)

Furthermore, as pointed out by Lodge, Sov resolution contains no reference to indirect aggression. Perhaps Pearson might be interested in above suggestions for inclusion in his speech.

ACHESON

³ For text, see League of Nations Treaty Series, vol. 147, No. 3391.

320/11-750 : Telegram

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

CONFIDENTIAL

NEW YORK, November 7, 1950—10 p. m.

Delga 250. Re Gadel 102, Delga 244, November 7. Representatives France, UK, US and Yugoslavia agreed revised text Yugoslav resolution which Yugoslavs will introduce tomorrow with appropriate statement indicating revision takes into account suggestions made by other delegates. Representatives indicated concurrence *ad referendum* and reserved right propose amendments but expressed hope none would be necessary. US Del staff believes agreed revision acceptable and should rally general support, and expects Sweden will be willing withdraw proposal to send Yugoslav resolution to ILC.

Revised text as follows :

"*The General Assembly,*

"*Reaffirming* the principle of the Charter that war must not serve as an instrument of national policy ;

"*Reaffirming* the principle of the Charter that war shall not be resorted to except in defense of the national independence and territorial integrity of the state which has been the victim of aggression ;

"*Desiring* to create a further obstacle to the outbreak of war, even after hostilities have started, and facilitate the cessation of the hostilities by the action of the parties themselves, and thus contribute to the peaceful settlement of disputes,

"*Recommends,*

"1. That, if a state becomes engaged in armed conflict with another state or states, it take all steps practicable in the circumstances and compatible with the inherent right of self-defense to bring the armed conflict to an end at the earliest possible moment ;

"2. That, in particular, such state, immediately and in any case not later than 24 hours after the outbreak of hostilities, make a public statement wherein it will proclaim its readiness to discontinue all military operations and to withdraw all its military forces which have invaded the territory or territorial waters of another state or crossed a demarcation line, on terms agreed to by the parties or under conditions indicated by the appropriate organs of the UN;

"3. That such state immediately notify the SYG, for communication to the SC and to the members of the UN, of the statement made in accordance with the preceding paragraph and of the circumstances in which the conflict has arisen;

"4. That such state, in its notification to the SYG, invite the appropriate organs of the UN to dispatch the Peace Observation Commission to the area in which the conflict has arisen, if the Commission is not already functioning there.

"5. That the conduct of the states concerned in relation to the matters covered by the foregoing recommendations be taken into account in any determination of responsibility for the breach of the peace or act of aggression in the case under consideration, and in all other relevant proceedings before the appropriate organs of the UN;

"Determines

"That the provisions of the present resolution in no way impair the rights or obligations of states under the Charter or such rights or obligations as may derive from the decisions or recommendations of the SC, the GA or any other competent organ of the UN."¹

AUSTIN

¹ For subsequent parliamentary developments in the First Committee, see GA (V), *First Committee*, pp. 273 ff., and GA (V), *Annexes*, vol. II, fascicule 72. At a meeting on November 9, the Committee voted to recommend to the General Assembly the adoption of a two-part resolution, which incorporated the Yugoslav resolution substantially as printed here and referred the Soviet proposal to the International Law Commission for examination in conjunction with matters already under consideration by the Commission (that is, the 1948 Lebanese conciliation proposal). The General Assembly adopted these drafts on November 17, after listening to a statement by the Soviet Delegate (Zarubin) in opposition to the first part of the resolution (the Yugoslav section) (GA (V), *Plenary*, vol. I, pp. 425 ff.).

Editorial Note

Following disposition of the first Yugoslav resolution and the Soviet resolution on November 9, the First Committee considered with dispatch the second Yugoslav resolution, "establishment of a permanent commission of good offices," on November 9 and 10; for the proceedings, see GA (V), *First Committee*, pages 288 ff; for relevant documentation, see GA (V), *Annexes*, volume II, fascicule 73. For text of the draft resolution approved by the First Committee on November 10 for recommendation to the General Assembly, see *ibid.*, page 5. The General Assembly adopted the resolution without debate on November 17; for the proceedings, see GA (V), *Plenary*, volume I, pages 428 and 429.

**MATTERS ARISING UNDER CHAPTERS XI, XII, AND
XIII OF THE CHARTER OF THE UNITED NATIONS
(TRUSTEESHIP AND NON-SELF-GOVERNING TERRI-
TORIES)¹**

**I. THE WASHINGTON CONVERSATIONS WITH THE UNITED KINGDOM,
FRANCE, AND BELGIUM**

501.BB/12-3049 : Telegram

*The Secretary of State to the Embassy in the United Kingdom*²

CONFIDENTIAL

WASHINGTON, December 30, 1949—7 p. m.

4660. Pls inform FonOff US concerned over situation which developed relative to work Comite 4 of GA and hopes within next few months have full exchange of views colonial problems with UK, Fr, and Belg Govts. Our aims such consultation would be (a) explain fully our positions and the reasons behind them and in turn endeavor to obtain a full understanding of the problems faced by the colonial powers, (b) attempt to reach agreement on broad objectives in this field and (c) agreement to extent possible on means by which these objectives might be obtained. You may also inform FonOff we visualize later talks other administering States and other UN members. Objective latter would be to develop greater appreciation of the complexities of the problem and more workable and harmonious Comite 4 at next GA.

Pls express hope to FonOff that it not reach final conclusions or make public announcement respect this field until after consultations we have in mind take place.

For your background info only: You should know that UK, Belg and Fr Delegations resented bitterly certain positions taken by US in Comite 4 GA which at times caused distinct strains between Delegations at NY. This is cumulative result trusteeship and colonial areas field developments since establishment UN which reached climax recent GA session especially because of action taken relative Special Article 73(e) Comite which relates to Charter Chapter XI

¹ Continued from *Foreign Relations*, 1949, vol. II, pp. 340 ff.

² Repeated to Brussels (1518) and to Paris (5016).

on direct colonial areas as contrasted to trusteeship although both considered as parts of the general colonial question.³

UK, Belg and Fr have been taking increasingly rigid positions and non-administering States have countered in like manner.

Most controversial resolutions were (a) the flying of the UN flag in Trust Territories (b) economic and social advancement in Trust Territories (c) the establishment of a Special Comite on info submitted under Article 73(e) for a three year period (d) voluntary transmission of political info (e) study of the definition of territories to which Chapter XI applies and (f) concentration by the Special Comite on a separate functional field each year.

US voted in favor of 16 of the 19 resolutions recommended by Fourth Comite to GA. It voted against the resolution concerning info under Part 1 of the Standard Form for submission of info on non-self-governing territories, abstained on the resolution relating to territories to which Chapter XI applies, and voted against the resolution which expressed regret that the Union of South Africa had repudiated its previous assurances to submit reports on South West Africa and invited the Union Government to resume the submission of such reports. All resolutions were adopted by more than two-thirds majority. Voting in general did not follow East versus West or colonial versus anti-colonial lines. In a number of instances the members of the British Commonwealth did not support the positions taken by UK, Belg and Fr.

The Brit, Belg and Fr delegations in Comite 4 strongly maintained that the Special Comite and GA had exceeded limits of the Charter

³ This sentence might better be read: "This is cumulative result of developments in the field of trusteeship and in the field of colonial areas since the establishment of the United Nations, which reached a climax at the recent General Assembly session especially because of action taken relative to the Special Committee on Information Transmitted Under Article 73(e) of the Charter of the United Nations which relates to Chapter XI of the Charter, on direct colonial areas, as contrasted to trusteeship [Chapter XII], although both are considered as parts of the general colonial question." For text of the Charter of the United Nations, signed at San Francisco, Calif., June 26, 1945, see 59 Stat. 1031 or Department of State Treaty Series No. 993.

Chapter XI of the Charter is entitled "Declaration Regarding Non-Self-Governing Territories," and consists of two articles: Nos. 73 and 74. Article 73(e) reads:

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

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply."

and indicated their Govts might not be prepared to carry out a number of the resolutions adopted by GA field dependent territories. Since adjournment GA there have been indications from Lond, Brussels and Paris that those Govts may be preparing white papers and similar justifications of their attitudes over which Dept is deeply concerned.

US has sought to maintain its traditional position of encouraging the development of dependent peoples toward self-government or independence. We are mindful of our world-wide responsibilities including those relating to areas such as Southeast Asia. We are also mindful of the problems of the states administering colonial areas and of our friendship toward them. In the light of these factors US in dealing with colonial questions has attempted to play a mediating role between the extreme points of view involved and to steer a reasonable and moderate course with twin objectives of neither jeopardizing the positions of the colonial powers nor alienating the friendship of emerging colonial peoples. Reason for suggesting consultation be held somewhat later on is to enable us to make careful analysis our own policy and current status colonial problems in UN. You should not imply either that there will or will not be any alteration in US policy as result Dept's review position taken recent GA. As FonOff may already be aware, we expressly reserved our position on one res. in voting Plenary Session GA. We have in mind bi-lateral consultations. *End Background.*

ACHESON

320/1-350 : Telegram

The Ambassador in France (Bruce) to the Secretary of State

CONFIDENTIAL

PARIS, January 3, 1950—1 p. m.

10. Deptel 4660 to London, repeated Paris 5016, Brussels 1518. While it is not absolutely clear from text that it is Department's desire that Paris and Brussels approach respective Foreign Offices same time Embassy London makes *démarche*, we believe that as far as French are concerned, this would be most advisable.

In view joint UK-French-Belgian consultation colonial problems scheduled Paris mid-January, we feel unilateral communication to UK our intentions would undoubtedly become known to other participants, with consequent resentment their part. In general, French highly sensitive regarding any moves which can be interpreted as emphasizing "special relationship" between US and UK. More particularly, they already touchy over our lack previous consultation ItCols problem¹ and extremely wary motives our colonial policy.

¹ For documentation regarding events relating to the question of the former Italian colonies in 1949, see *Foreign Relations, 1949*, vol. iv, pp. 526 ff. 1950 developments are scheduled for publication in volume v.

Therefore, approach along lines Deptel 5016 at this time would appear helpful in allaying their suspicions and indicating our goodwill in attempting solve problems before next GA session.²

Sent Department 10, repeated London 5, Brussels 1.

BRUCE

² The Paris Embassy was informed on January 3 that it was the Department's intention for Paris and Brussels as well as London to act on the cable under reference (telegram 8, to Paris, January 3, 320/1-350) ; Brussels was similarly instructed.

320/1-450 : Telegram

The Ambassador in France (Bruce) to the Secretary of State

CONFIDENTIAL

PARIS, January 4, 1950—7 p. m.

46. Deptels 5016, December 30, and 8, January 3. We took up with Couve de Murville¹ today Department's proposal for consultations with French, British and Belgian Governments on colonial problems. He said he would discuss it immediately with Schuman² but for his part he regarded it as a very happy and timely initiative and one in which the French Government would be glad to cooperate. He deprecated the differences which had arisen in New York and attached great importance to trying to iron them out before next General Assembly.

On specific points raised in second paragraph Deptel 5016 he said French had no intention of taking any public position. Without commenting directly on request that no "final conclusions" be reached he did say that French intend to proceed with consultations with British and Belgians.

Sent Department 46, repeated London 15, Brussels 6.

BRUCE

¹ Maurice Couve de Murville, Director General of Political Affairs, French Ministry for Foreign Affairs.

² Robert Schuman, French Minister of Foreign Affairs.

320/1-550 : Telegram

The Chargé in the United Kingdom (Holmes) to the Secretary of State

CONFIDENTIAL

LONDON, January 5, 1950—1 p. m.

58. Reference Department's proposal for consultation with British, French and Belgians on colonial questions, Parrott¹ UN Department Foreign Office had following comments :

1. British welcome idea of such consultation for Committee IV situation has caused grave concern here.

¹ C. C. Parrott, Acting Head of the United Nations (Political) Department, British Foreign Office.

2. Consultations with French and Belgians in Paris before meeting of Trusteeship Council will be to discuss common problems not to "reach a common line." British are under "pretty constant pressure" from French and Belgians on colonial matters. British Embassy Washington is being instructed to inform Department of British attitude towards these discussions.

3. Colonial Office *White Paper* is being held up and no public position will be taken at this time.²

4. Within next month British will be re-examining their policy on inter-departmental level and then Cabinet will probably be asked to make a decision. Parrott added in strictest confidence that British feel they are "on a slippery slope" in colonial matters and before any modification in their policy can take place they will want to be sure that they would gain rather than lose by such modification. In any case all implications of problem, including implications to UN, will be given careful attention before final conclusions are reached. In this connection opportunity to exchange views with US will be valuable.

Embassy would appreciate early advice as to Department's thinking on anticipated timing and form of discussions. Embassy would also like to point out that impending election may influence British thinking on problem and delay final decision since Conservatives could be expected to endeavor to make political capital any apparent surrender of British Government on colonial matters.

HOLMES

² The White Paper was published as Cmd. 8035, September 14, 1950, and was entitled *General Assembly of the United Nations, 20th September-10th December, 1949, Memorandum on Proceedings relating to Non-Self-Governing and Trust Territories*.

320/1-750: Telegram

The Ambassador in Belgium (Murphy) to the Secretary of State

SECRET

BRUSSELS, January 7, 1950—3 p. m.

27. I saw Van Zeeland¹ last evening after his return from vacation and communicated to him Department's suggestion for bilateral consultation on subject of colonial problems (Department's 1518, December 30). He said he liked the idea and agreed with the form of approach. He promised to discuss it immediately with Minister of Colonies Wigny and to communicate any further reaction of interest.

Van Zeeland confirmed reports that have been sent to Department from time to time regarding growing doubt here as to attitudes of the USDel to UN on some colonial questions. He wondered whether adequate consideration is always given to relationship between high-principled but theoretical approach to some questions and the resultant

¹ Paul van Zeeland, Belgian Minister of Foreign Affairs.

adverse effect on our vital interests and objectives in other fields particularly as they relate to the Soviet Union. He believes there is a lack of coordination somewhere along the line and hopes that the suggested consultation may succeed in clarifying issues and bringing about a better understanding both by Belgium and US of exactly the side on which our bread is buttered.

Sent Department 27, repeated Paris 2, London 3.

MURPHY

320/1-550 : Telegram

The Secretary of State to the Embassy in the United Kingdom

SECRET

WASHINGTON, January 13, 1950—7 p. m.

169. Dept has in mind bilateral discussions in Wash probably at Asst Secy level with respective Ambs, ur 58, Jan 5. Exact timing indefinite but we seriously doubt whether we wld be ready before 60 to 90 days hence. Furthermore, believe undesirable talk with Brit prior their general election. We wld hope that definitive Cabinet decision by Brit cld be held over until after consultations with us. Can Emb elaborate meaning Parrott's expression "on a slippery slope"?

ACHESON

320/1-2350 : Telegram

The Ambassador in France (Bruce) to the Secretary of State

SECRET

PARIS, January 23, 1950—7 p. m.

323. Note received from Foreign Office accepting principle conversations colonial problems proposed Deptel 5016 December 30. Text being forwarded by air.¹

We informed Foreign Office that Department has in mind bilateral discussions in Washington probably at Assistant Secretary level with respective Ambassadors of France, Belgium and UK.

We were told that Foreign Office would not be in position to begin consultations before end March which appears to fit in well with Department's timetable.

Sent Department 323, repeated London 98, Brussels 19.

BRUCE

¹ Transmitted in Paris Embassy's despatch No. 76, January 24, and received in the Department of State on February 8. In the note, dated January 20, and signed by Foreign Minister Schuman, the French Government also took occasion to repeat its disquiet at the divergencies between the American and French delegations over colonial issues at the recent session of the General Assembly, and to warn that French authority overseas could not be progressively weakened without seriously adverse effects for the defense of Western interests (320/1-2450).

Editorial Note

Secretary of State Acheson, British Foreign Secretary Bevin, and French Foreign Minister Robert Schuman and their advisers held a series of meetings on world problems at London, May 11-13, 1950. United States, British, and French Representatives met in London in late April and early May for a series of bipartite and tripartite meetings on the subjects scheduled to be discussed by the Foreign Ministers. The colonial question in the United Nations was one of the issues scheduled for consideration and was discussed in a number of the pre-conference meetings in early May.

The basic United States position paper on the subject was incorporated into Doc. FM D F-3, April 27, 1950, not printed (Lot M-88, Box 2203). It was a summary version of views set forth in detail in the position papers for the Washington conversations, printed below. Accompanying the basic position paper was an annex of somewhat more than 50 pages, entitled "United States Policy Toward Dependent Territories", Doc. FM D F-3/1, May 6, 1950, not printed (Lot M-88, Box 2203). The annex was the product of many laborious meetings in January-March 1950 of the subcommittee of the Committee on Problems of Dependent Areas, established by direction of Assistant Secretary Hickerson on December 23, 1949 (see *Foreign Relations*, 1949, volume II, page 369), and composed of representatives of UNA, NEA, ARA, E, and EUR. Minutes of the subcommittee are located in the Reference and Documents Section of the IO Files (Series CDA/SC./Minutes).

At their fifth formal tripartite session in London on May 13 (reported in telegram Secto 246, May 13, from London, scheduled for publication in volume III), the three ministers approved a paper which had been formulated by their advisers on the colonial question in the pre-conference meetings, Doc. MIN/TRI/P/21, May 9, 1950, not printed. This paper identified the main issues in the question and recommended that the Ministers take note that further conversations were desirable and should be held as soon as possible.

320/5-550 : Telegram

The Ambassador in Belgium (Murphy) to the Secretary of State

SECRET

BRUSSELS, May 5, 1950—7 p. m.

743. Re mytel 27 of January 7. Following is text of *aide-mémoire* dated May 5 in translation from Belgian Foreign Office:

"Belgian Government takes note of desire expressed by Government of US to have an exchange of views in next few months with Belgian Government on matter cited in that *aide-mémoire* (of Embassy dated

January 6). It believes, with Government of US, that this consultation would be of interest, and it accepts in principle to participate.

"However, since Government of US proposes also to consult French and British Governments on these same subjects, Belgian Government believes that these exchanges of views would be more fruitful if they took place in common.

"Belgian Government hopes with government at Washington that these conversations will make it possible to reach an agreement on the means for arriving at a greater comprehension of colonial problems and the respective positions of our government's confronting them."

Sent Department 743, repeated Paris 152, London 169.

MURPHY

Editorial Note

The United States position for the colonial policy talks was formulated in a series of position papers, certain of which are printed below. The emphasis in this selection has been directed to those papers which reflect the United States desire at this time to continue as a viable United Nations organ the Special Committee on Information Transmitted Under Article 73(e), within a general consensus as to the philosophy, purposes, and methods of the colonial system under the United Nations Charter.

IO Files¹

Draft of Position Paper From Background Book for Colonial Policy Discussions²

CONFIDENTIAL

[WASHINGTON,] June 23, 1950.

ITEM III, A, 1, a³—INTERNATIONAL ACCOUNTABILITY TO THE UNITED NATIONS IN RESPECT OF COLONIAL POLICIES AND ACTIVITIES: THE QUESTION OF PRINCIPLE

BACKGROUND

[Here follows section devoted to a brief analysis of the origin and historical development of the idea of international accountability, from 1885 to 1945.]

Although the British have accepted the trusteeship system, it should not be forgotten that in the preliminary consultations of the sponsoring powers⁴ and France at San Francisco,⁵ they argued against it.

¹ Short title for the master files of the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

² This book together with a book of the minutes of the meetings is located in the IO Files.

³ This refers to the agenda number listing of the subject.

⁴ The sponsoring powers were the United States, China, the Soviet Union, and the United Kingdom.

⁵ For documentation regarding the United Nations Conference on International Organization, held at San Francisco, Calif., April 25–June 26, 1945, see *Foreign Relations*, 1945, vol. 1, pp. 1 ff.

The British presented two principal objections against the United States proposal for an international trusteeship system: (1) They argued that this proposal was contrary to the principle that responsibility should not be divorced from authority, which was necessary for good administration. It did this by giving the administering power the responsibility for the proper administration of its trust territories while at the same time holding it accountable to the authority of the international organization. (2) This accountability to the international organization was in effect an accountability to world opinion. The British did not believe it either necessary or desirable for an administering power to be concerned with any opinion but that of states directly concerned, or at the most, of "informed" opinion.

As an alternative to an international trusteeship system, the British proposed at San Francisco (1) a general declaration by all administering powers that they would automatically apply the "principle" of trusteeship in the administration of their dependent areas, and (2) the establishment of consultative regional commissions composed of states directly interested in the administration of dependent territories in a particular region either by virtue of a strategic or economic interest or of the fact that they themselves were administering states in the area. Such Commissions would thus be of a strongly consultative nature and would have a limited membership. It was only with obvious reluctance that the British agreed to the United States position by the time the Conference opened. The French were non-committal at this early stage. The Belgian view was evidently close to that of the British.

Having conceded the principle of obligating themselves under the international trusteeship system, the three colonial powers have been all the more insistent on limiting their commitment under Chapter XI. The British evidently regard the international accountability accepted under the trusteeship system as a necessary evil, and they believe that in principle it would be wrong to accept accountability to the United Nations for any territories other than their three trust territories. The United States understands that the reasons for their position are somewhat as follows:

The three territories which it now administers under trusteeship (Tanganyika, the British Cameroons and Togoland) were originally entrusted to the United Kingdom to administer on condition that it would be accountable for them to the League of Nations. After the termination of the League, the United Kingdom deemed it necessary to continue to recognize the principle of international accountability for these territories by placing them under trusteeship. The other territories of the Colonial Empire have never at any time in their history been administered under international supervision. While the British

consider that years ago there might have been something to be said for placing these territories under the supervision of some international body of experts, in these days it would be quite inappropriate and impracticable, having regard to the steady advance of the territories of the Colonial Empire towards self-government, to place them under the authority of a political assembly of governments. The justification for international supervision over the administration of dependent territories is obviously strongest when the control is most exclusively in the hands of the Metropolitan Power. With continuing local political and constitutional development in the Colonial Empire, as time goes on effective control is passing over an ever-increasing sphere of public affairs to the local legislatures and executives. If, therefore, the United Kingdom decided to accept United Nations supervision at this stage in the history of the Colonial Empire, the effect would be more and more to bring under international supervision the policies and actions of the local Colonial Governments. In short, it would be slackening the control from Whitehall only to substitute, not local control, but control from Lake Success. Such a policy would be markedly contrary to local sentiment. There is in pretty nearly every territory of the Colonial Empire a developing sense of local nationalism, and responsible local political leaders in the Colonies would not be prepared to submit their domestic affairs to any greater degree of international supervision or interference than sovereign states are prepared to accept for themselves. The British have repeatedly emphasized, and did so at the last session of the General Assembly, that this would engender that very sense of inferiority among colonial peoples which any enlightened colonial policy should aim to remove.

The British believe that in any sphere of public administration in which some form of internationalism is functionally appropriate, this should be secured by international arrangements of general, and not exclusively colonial, application. There is every advantage in bringing such problems as illiteracy, malnutrition, soil conservation and labour conditions before an international body; in these and similar spheres of human endeavour or technical activity no individual administration is so good that it cannot be improved. But the international study of such problems is properly the duty of expert technical bodies such as the specialized agencies, or of the various functional bodies or committees of the United Nations, where, without regard to considerations based on political or constitutional status, standards of achievement can be compared on a world wide or regional basis. The British contend, however, that the Fourth Committee of the United Nations, where the affairs of non-self-governing territories are singled out for special discussion in a body of political representatives, is neither equipped nor competent to deal with such matters in a practical or constructive manner. In it the problems of non-self-governing territories are dealt with in isolation from similar problems in sovereign states in comparable geographical, climatic and other circumstances and are judged not, as they should be, in relation to general standards of achievement, but against hypothetical standards of perfection in an atmosphere of political prejudice and suspicion. The right approach

is, of course, a strictly functional one. Whatever international measures are necessary in respect of a particular field of administration should be adopted wherever the problem arises, and every legitimate constitutional and diplomatic step should be taken to persuade all Governments concerned (colonial and sovereign) to come into line.

The British believe that the acceptance of a right of the United Nations to interfere in the affairs of the Colonial Empire would also have serious and dangerous consequences from the point of view of the attainment of the objective of its colonial policy, namely the development of self-government within the Commonwealth in conditions of assured political and economic stability. This task can only be accomplished if the colonial peoples are encouraged to regard themselves as destined for full partnership in a Commonwealth in which the members, themselves severally independent, are united by principles held in common with each other, and symbolized by the personal position of the King as head of this comity of peoples. The introduction of accountability to the United Nations would inevitably, in the eyes of the colonial peoples, devalue the Crown as the symbol of ultimate authority to which allegiance is owing and from which protection flows, and thereby undermine the present and potential contribution of the Commonwealth to world stability. It would, the British believe, encourage disgruntled elements in the Colonies to appeal to the United Nations over the heads of His Majesty's Government, and if the colonial peoples were encouraged to look all the time to an external Court of Appeal in the shape of the United Nations it would be incomparably more difficult to encourage in them loyalty to their own local governments, a sense of responsibility and, in multi-racial communities, that sense of local cohesion which is a necessary pre-requisite to ultimate nationhood. The British contend that experience shows that misinformed criticism of them in the United Nations on colonial matters plays straight into the hands of extremists and communists. For example, in the minds of his followers in Uganda anti-colonialism in the Fourth Committee is identified with the activities of Semakula Mulumba, and is regarded as international support for those activities.

ANTICIPATED POSITION OF THE UNITED KINGDOM, FRANCE AND BELGIUM

In the light of their past attitudes, it is to be expected that the United Kingdom, and also France and Belgium, will maintain that they are prepared to accept the limited degree of accountability to the United Nations indicated in the Charter, namely, (a) in the case of trust territories, to acknowledge the right of the Assembly and the Trusteeship Council to discuss conditions and make recommendations, and (b) in the case of colonies generally, to submit for information purposes economic, social and educational data as called for under Article 73(e). They will probably contend that they will not recognize

the right of the Assembly to expand or increase the degree of accountability by passing resolutions empowering the Assembly to do what had been specifically rejected when the Charter was drafted in San Francisco, such as setting up a Special Committee to examine the information submitted under Article 73 (e) and empowering it to make recommendations on substantive questions.

RECOMMENDED UNITED STATES POSITION

It is recommended that the United States should take the position that:

1. There is greater international interest in and concern over the colonial question today than in any earlier period despite the fact that the progressive policies of the major colonial powers have today resulted in many forward steps to promote the welfare of colonial peoples.

2. The system of international accountability set up under the mandates system and extended under the trusteeship system has been accepted by the powers concerned and should be given their constructive support.

3. A system of international accountability to a world organization is advantageous (a) in promoting the welfare of dependent peoples, (b) in keeping world opinion better informed on the progress and needs of colonial peoples, (c) in facilitating to mutual advantage the exchange of ideas and information on colonial policy, and (d) in promoting international understanding of colonial problems and contributing to the strengthening of international cooperation.

4. The best security for administering Members against the extreme proposals of some General Assembly Members lies not in a strict legal interpretation of their accountability under Chapter XI but in a liberal and constructive position which will at once maintain the essential distinctions between trust and non-self-governing territories, and will command the support of world opinion and of a middle group of non-administering states in the Assembly. (This point is further developed in the paper on the attitude to be adopted toward the Special Committee, Item III, A, 1, b.)⁶

5. Because the United States believes that international accountability has certain advantages, and because of the strength of international concern over the colonial system, the United States should not at this time associate itself with or encourage any effort to restrict or diminish the principle of international accountability. At the same time the United States should inform the British, French, and Belgians that it opposes, barring unforeseen circumstances, the extension of the application of the principle of international accountability under Chapter XI at this time, as is indicated by the United States position on the attitude to be adopted toward the Special Committee.

⁶ *Infra.*

IO Files

*Draft of Position Paper From Background Book for Colonial Policy
Discussions*

CONFIDENTIAL

[WASHINGTON,] June 14, 1950.

ITEM III, A, 1, b—THE ATTITUDE TO BE ADOPTED TOWARD THE SPECIAL COMMITTEE ON INFORMATION TRANSMITTED UNDER ARTICLE 73 (e)

BACKGROUND

The Charter¹ makes no provision for a body to examine and make recommendations on the information which administering Members transmit on non-self-governing territories under Article 73(e).² But by resolution the General Assembly in 1946 voted to establish a Committee for this purpose, composed of eight administering and eight elected Members, and in 1947 and again in 1948 voted to re-establish the Committee, for one year. In 1949 the Assembly established the Special Committee on Information Transmitted under Article 73(e) of the Charter for a three-year term and provided for the re-consideration of the future of the Special Committee and its terms of reference in 1952. (Text of resolution attached.) The United States initiated this proposal as a alternative to establishing a permanent Committee.³

When the Committee first met in 1947 it was governed by terms of reference which empowered it to examine the Secretary-General's summaries and analyses of information transmitted, but to make, with respect to this information, recommendations only of a procedural character. The 1948 and 1949 sessions of the Special Committee, however, operated under new terms of reference which empowered the Committee to make, in addition to procedural recommendations, recommendations of substance provided these were limited to economic, social, and educational matters and were not directed to particular territories. Not until the 1949 session, however, did the Special Committee, or, indeed the General Assembly, venture to make substantive recommendations. In establishing the Committee in 1949 for

¹ The Charter of the United Nations was signed at San Francisco, June 26, 1945; for text, see 59 Stat. 1031 or Department of State Treaty Series No. 993.

² There were eight administering Members at this time. Six were administering trust territories for the United Nations, as follows: Australia (Nauru, also for New Zealand and the United Kingdom; New Guinea), Belgium (Ruanda-Urundi), France (under French administration: the Cameroons, Togoland), New Zealand (Western Samoa), the United Kingdom (under British administration: the Cameroons, Togoland; Tanganyika), and the United States (Trust Territory of the Pacific Islands). The other administering states were Denmark and the Netherlands.

³ Documentation on the Special Committee as appropriate to an exposition of United States policy relating thereto is found in volume I of *Foreign Relations* for the years 1946-1948 and in volume II of the 1949 series.

a three-year term the General Assembly gave it substantially the same terms of reference as those enjoyed by the Committee of 1948 and 1949, maintaining the previous limited recommendations on substantive recommendations. However, the following underscored phrases in paragraph 3 of the resolution establishing the Committee for a three-year period gave anxiety to some delegations as seeming to go further in the directing of international supervision than previous resolutions:

"The General Assembly . . .

Invites the Special Committee to examine in the spirit of paragraph 3 and 4 of Article I and of Article 55 of the Charter the summaries and analyses of information transmitted under Article 73(e) of the Charter on the economic, social, and educational conditions in the non-self-governing territories, including any papers prepared by the specialized agencies and any reports or information on measures taken in pursuance of the resolutions adopted by the General Assembly concerning economic, social, and educational conditions in the non-self-governing territories."

Non-administering Members, who, in the General Assembly, outnumber administering Members in a ratio of 51-8, have generally favored making the Special Committee a permanent organ. There have also been attempts on the part of some to give the Committee wider powers, including the right to receive petitions and send visiting missions to non-self-governing territories and generally to make the Special Committee as far as possible the counterpart of the Trusteeship Council.

ANTICIPATED POSITION OF THE UNITED KINGDOM, BELGIUM AND FRANCE

The attitude of the United Kingdom, Belgium, and France toward the Special Committee will probably be closely related to their general attitude on Chapter XI and to their belief that the United Nations through the Special Committee and the General Assembly is asserting a right to supervise their administration of their non-self-governing territories.

In the course of the discussion these Governments will presumably make the following points:

1. Although they have regarded the Special Committee as illegal from the first, since it is not provided for in the Charter, they acquiesced in its work during 1947 and 1948 because in those years the Committee was established only on an *ad hoc* year-to-year basis and because it confined itself to procedural tasks—the improvement of the techniques for the transmission of the information required under the Article 73(e) and its channelling to the various United Nations organs;

2. That again in 1949 they were ready to support the continuation of the Committee for one more year in order that the Standard Form, used by administering Members in preparing the information, might be revised;

3. However, the Assembly's action in establishing the Committee for a three-year period is tantamount to making it permanent;

4. Moreover, in adopting at the last session certain general resolutions regarding education in non-self-governing territories the Special Committee encroached on the realm of policy and thus intervened in matters within the domestic jurisdiction of administering Members;

5. While they voted in 1947 for terms of reference for the Special Committee which empowered it to make substantive recommendations relating to functional fields generally they only did so in order to defeat a more extreme proposal and have subsequently insisted that the proper functions of the Special Committee are procedural;

6. Neither the Special Committee nor the General Assembly may properly make recommendations touching on policy to administering Members nor are these bodies equipped to do so;

7. That, for all these reasons, they propose to maintain their reservations regarding the Special Committee and may not participate in future sessions because they feel that this is their last opportunity to take a firm stand against the Special Committee itself and against the pretensions of both the Special Committee and the General Assembly to make recommendations to them as to how they should administer their non-self-governing territories.

RECOMMENDED UNITED STATES POSITION

It is recommended that in discussions with the representatives of the United Kingdom, France, and Belgium the United States representatives should make the following points:

1. The United States earnestly hopes that all administering Members will find it possible to participate in the Special Committee when it convenes in August. Non-participation in United Nations bodies has hitherto been a technique resorted to mainly by the U.S.S.R. and its satellites. In view of Article 22 of the Charter, Rule 100 of the General Assembly's Rules of Procedure and the precedent furnished by the Interim Committee it would be difficult for the United States to accept the view that the General Assembly is not entitled to establish a Special Committee to give initial consideration to the information transmitted under Article 73(e) of the Charter. It is, of course, obvious that non-participation by some administering Members will upset the balance of membership in the Committee and will make much more difficult the position of those administering Members, such as the United States, who are prepared to participate.

2. The United States also earnestly hopes that those administering Members who have taken the position that neither the Special Committee nor the General Assembly may make any recommendations of substance in the economic, social, and educational fields covered by the information will find it possible to reconsider their position. Like other administering Members the United States attaches great importance to the Charter distinction between Trust and Non-Self-

Governing Territories. This has been amply demonstrated in many ways but particularly in the insistence with which the United States has opposed efforts to give the Special Committee the right to examine petitions and other unofficial documents, to send missions to non-self-governing territories, and to make recommendations touching individual territories. Had the Special Committee in 1949 recommended, for example, that Belgium establish equality of educational opportunities in the Congo, the United States would have indicated that in its view such a resolution was beyond the powers of the Special Committee set forth in its terms of reference. So far as Article 2(7) of the Charter is concerned, it should be borne in mind that this Article was not regarded by most United Nations Members as preventing the Assembly from making a specific recommendation in the Soviet wives case. In any event the United States considers that it would be difficult to justify recourse to Article 2(7) in the case of recommendations which are addressed to administering Members generally, do not single out individual territories, are phrased as invitations and qualified by such expressions as "where practicable" and are limited to the economic, social, and educational fields mentioned in Article 73(e). The United States would furthermore be reluctant, as a matter of general policy, to invoke Article 2(7) with respect to recommendations of this sort. Moreover, the United States considers that to restrict United Nations activities in colonial matters to purely procedural matters is, in effect, to render the United Nations practically impotent to make any real contribution to the welfare and development of colonial peoples. As a practical matter an insistence by the administering Members on this narrow view of the United Nations' functions will create just that sense of impatience and frustration on the part of non-administering Members which is more likely to give rise to extreme proposals. Finally so far as the Special Committee is concerned, it is the United States understanding that all administering Members voted in 1947 for terms of reference for the Special Committee which gave it the right to make:

"... such substantive recommendations as it may deem desirable relating to functional fields generally, but not with respect to individual territories".

The United States feels that the resolutions on education adopted by the Special Committee in 1949 were consistent with these terms of reference.

The United States considers, therefore, that the efforts of administering Members should be directed not at preventing any substantive resolutions, but at giving to the Special Committee the kind of leadership in this field which will have the result of improving the quality of the recommendations adopted. The United States considers that administering Members should not merely participate in the Committee but should participate actively and, if possible, come forward with useful suggestions as to matters on which the Special Committee might appropriately make general recommendations.

3. United States policy in relation to the Special Committee during the last three years has been based on the premise that since the

Fourth Committee of the General Assembly, where non-administering Members outnumber administering Members in a ratio of 51-8, will assert the right of Committee 4 under Article 10 of the Charter to discuss and make recommendations on the information transmitted, there is much advantage to administering Members in having this information considered initially by a balanced Special Committee. The United States has also proceeded on the assumption that the best security for administering Members against the extreme proposals of some Assembly Members lies, not in a narrowly legalistic interpretation of Chapter XI but, in a liberal and constructive position which will at once maintain the essential distinctions between trust and non-self-governing territories and command the support not only of a middle group of non-administering states in the General Assembly but of world opinion. The United States for its part has to consider not only domestic public opinion, but the desire of the people of its own territories that it take a liberal view in these fields. The United States feels that the developments of the last three years have to some extent vindicated the position taken by the United States. Proposals to make the Special Committee permanent, to alter its balanced membership, to remove the present restrictions on its power to make recommendations, to allow it to receive petitions or make visits to non-self-governing territories have been defeated year after year. The United States considers that had the United States not proposed in 1949 the establishment of the Committee for a three-year period, the Committee would almost certainly have been made permanent at the Fourth Session.

4. The United States recognizes, of course, that some administering Members feel that concessions on their part have only led to further pressure from non-administering Members; that extreme proposals which have so far been defeated may carry in 1952 when the future of the Special Committee and its terms of reference come up for review; that if the Fourth Committee repeatedly amends out of all recognition the Special Committee's recommendations, there is little advantage to the administering Members in retaining the Committee.

5. The United States recognizes that these considerations are not without force and is not itself fully persuaded of the ultimate usefulness of the Special Committee. We propose to re-examine our whole attitude in 1952 on the basis of the record of the Committee during its next three years and the proposals as to its future terms of reference which may be made by Members at that time.

6. If the United Kingdom, French, or Belgian representatives should ask the United States to take a position with reference to a proposal in the General Assembly which would in effect enlarge the terms of reference of the Special Committee, such as a proposal to permit the Special Committee to make recommendations with respect to specific territories, or to send visiting missions, or to receive petitions, the United States should reply that it is prepared, barring unforeseen circumstances, to oppose such proposals and other proposals enlarging the Committee's terms of reference before 1952.

[Attachment]

Text of General Assembly Resolution 332 (IV), Providing for the Establishment of a Special Committee on Information Transmitted Under Article 73 (e) of the Charter

The General Assembly,

Having considered the work of the Special Committee on Information transmitted under Article 73 *e* of the Charter which was constituted by resolution 219 (III) adopted by the General Assembly on 3 November 1948, and

Taking into account the possibilities of further constructive work by such a Committee,

1. *Decides* to constitute a Special Committee for a three-year period;

2. *Considers* that the Special Committee should be composed of those Members of the United Nations transmitting information in accordance with Article 73 *e* of the Charter and of an equal number of non-administering Members elected by the Fourth Committee on behalf of the General Assembly, on as wide a geographical basis as possible. The non-administering Members of the Special Committee shall be elected for a term of three years. At the first election, however, two Members shall be elected for a term of two years, and two for a term of one year only. A separate vote shall be taken for each election;

3. *Invites* the Special Committee to examine, in the spirit of paragraphs 3 and 4 of Article 1 and of Article 55 of the Charter, the summaries and analyses of information transmitted under Article 73 *e* of the Charter on the economic, social and educational conditions in the Non-Self-Governing Territories, including any papers prepared by the specialized agencies and any reports or information on measures taken in pursuance of the resolutions adopted by the General Assembly concerning economic, social and educational conditions in the Non-Self-Governing Territories;

4. *Considers* that the Special Committee should meet in 1950, 1951, and 1952 before the opening of the regular sessions of the General Assembly, at places and dates to be determined by the Secretary-General, in order that it should conclude its work not later than one week before the opening of each session;

5. *Invites* the Special Committee to submit to the regular session of the General Assembly in 1950, 1951 and 1952 reports containing such procedural recommendations as it may deem fit and such substantive recommendations as it may deem desirable relating to functional fields generally but not with respect to individual territories;

6. *Decides* that at its regular sessions in 1950 and 1951 the General Assembly will proceed to any new elections for the Special Committee that may be necessary, and examine in 1952 the question whether the Special Committee should be renewed for a further period, together with the questions of the composition and terms of reference of any such future Special Committee.

*Present Membership of the Special Committee:**Administering Members:*

Australia, Belgium, Denmark, France, Netherlands, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America.

Elected Members:

Brazil, Egypt, India, the Union of Soviet Socialist Republics for a term of three years;

Mexico, the Philippines for a term of two years;

Sweden, Venezuela for a term of one year.

IO Files

Draft of Position Paper From Background Book for Colonial Policy Discussions

CONFIDENTIAL

[WASHINGTON,] June 21, 1950.

ITEM III, A, 2—SUBMISSION OF POLITICAL INFORMATION TO THE UNITED NATIONS

BACKGROUND

The problem of the submission of political information to the United Nations by Members administering non-self-governing territories was first discussed at the San Francisco Conference.

Article 73 of the Charter had its genesis at that time in a draft general declaration on colonial policy presented by the United Kingdom to which the Australian Delegation submitted an amendment. This amendment provided for reports upon a specified list of economic, social and educational topics, and, in some cases, at the direction of the General Assembly, reports on political development were to be required. In the redrafts of this amendment the United States combined the two types of reporting and included political information, the United Kingdom omitted reporting, and Australia retained reporting but dropped political information. The U.S.S.R. favored political reporting. The United States in its second redraft of this amendment, however, omitted political information and in the final formulation, political information was not included although there is no full record of the circumstances surrounding the eventual decision on this matter.

From the time of the First Session of the General Assembly, the question of submitting information on political conditions in non-self-governing territories has arisen regularly. In Subcommittee 2 of the Fourth Committee, First Session, it was agreed that such information was of great importance and much to be desired. No action was taken on this question, however, until the *Ad Hoc* Committee sub-

mitted a draft proposal which, after the defeat in the plenary session of a U.S.S.R. amendment which would recommend the submission of information on local participation in administration, was adopted by the General Assembly as Resolution 144 (II). This resolution notes the voluntary submission of political information by some Members and considers it to be in conformity with the Charter and, therefore, to be noted and encouraged. At the same session the Assembly adopted Resolution 142 (II) to which was annexed the Standard Form, the optional Part I of which covers items of a political nature. In the Special Committee, 1948, it was noted that Australia, Denmark, New Zealand, Netherlands, France (for Morocco and Tunisia) and the United States had voluntarily submitted political information.

At the Third Session of the General Assembly two resolutions were adopted relevant to this question: Resolution 218 (III) which provides, *inter alia*, for Secretariat summaries of voluntarily submitted political information and invites information on items in Part I of the Standard Form other than government from those Members who had not previously submitted such information; and Resolution 222 (III) which requests Members concerned to communicate information of a constitutional nature in cases where they have ceased to report on territories under Article 73(e).

The Special Committee, 1949, submitted a draft proposal which recalled the provisions of Resolution 144 (II) and expressed the hope that such Members as had not done so would voluntarily include political information in their reports. This was adopted by the Assembly as Resolution 327 (IV) after an amendment which provided that in revision of the Standard Form information on geography, history, peoples, and human rights should cease to be classified as optional and expressed the hope that information on government would be voluntarily submitted. Attempts by the U.S.S.R., both in the Special Committees and in various sessions of the Assembly, to make the submission of political information mandatory have been consistently defeated by sizeable majorities.

DISCUSSION

The question of submission of political information has not only been debated on its own merits but as an ancillary factor in other disputes. In addition to the principal issue based upon the interpretation of Article 73(e), the submission of political information has arisen in connection with the general consideration of the purposes for which information is transmitted under Article 73(e), and specifically with regard to its use in defining and applying the term "non-self-governing". It has also become a major aspect of the proposed revision of the Standard Form.

As a problem, *per se*, the question of submitting political information has involved two interpretative positions: on one hand, the non-administering powers have maintained that Article 73 must be read as a whole. They pointed out that sub-paragraph (a) deals with political, as well as economic, social, and educational advancement and that sub-paragraph (b) deals specifically with the development of self-government and political institutions. The more extreme view, held by the U.S.S.R., its satellites and Egypt, maintains, therefore, that submission of political information is mandatory under their interpretation of Article 73. The less extreme view, in which India takes the lead with the support of the majority of the non-administering group, has agreed, however, that political information is not mandatory under Article 73(e), but has strongly supported its inclusion on a voluntary basis, pointing out that political considerations cannot be divorced from economic, social and educational factors, and stressing that sub-paragraph (e) should be given a broad interpretation within the larger context of the Article. On the other hand, by a strictly literal interpretation of the Article, it has been maintained that the obligations enumerated in the sub-paragraphs other than (e) are of a general type, conditioned by the nature of Chapter XI as a declaration; whereas, sub-paragraph (e) states a specific obligation clearly limited and circumscribed.

In connection with discussions as to the purposes in general for which information is transmitted, it should be noted that, while the language of Article 73(e) states that information transmitted thereunder is for information purposes, the terms of reference of the first and subsequent Special Committees have provided for the examination of the summaries and analyses of information transmitted on economic, social and educational conditions and for reports including procedural and substantive recommendations relating to functional fields generally but not with respect to specific territories. Such political information as may be voluntarily submitted, however, is not mentioned in these terms of reference, and the problem has arisen as to the use of this information, particularly as a procedural question of the competence of the Special Committee to discuss and analyze the information, discuss the action of those Members who voluntarily submit such information, and criticize the action of those Members who do not. The non-administering powers have taken the position that political information, voluntarily submitted, is admissible for discussion and recommendation in the Special Committee, as well as the General Assembly, but they have not challenged the general proviso that such recommendations shall not deal with specific territories.

This general problem of the purpose of political information and the competence of the General Assembly in respect to it has found particular expression as an aspect of the issue of defining the term "non-self-governing" for the purposes of Chapter XI. If the right of the General Assembly not only to determine, but also to apply such a definition is granted, then it can be argued that such a right militates in favor of the obligatory submission of political information, at least for the purpose of determining the status of territories under Chapter XI. If, however, it is agreed that political reporting is voluntary only, questions arise as to (a) the competence of the General Assembly to utilize voluntarily submitted political information in its discussion of a general definition of the term non-self-governing, and (b) its competence to discuss the status of particular territories on which political information is voluntarily submitted.

In discussions on the Standard Form and its revision, the problem of submission of political information has been a primary consideration. No new factors are involved in this aspect of the problem, however, and essentially the anticipated revision of the Standard Form represents a means for securing a wider interpretation of Article 73. The General Assembly has recommended (Resolution 327 (IV)), that in revision of the Standard Form the optional classification be removed from items in Part I other than government. This was strongly supported by the moderate non-administering Members. In this connection it should be noted that the Standard Form, as a whole, was annexed to Resolution 142 (II) for the guidance of reporting Members and is, therefore, optional in its entirety.

POSITIONS OF THE UNITED KINGDOM, FRANCE, AND BELGIUM

On the question of interpretation of Article 73, the United Kingdom has taken a consistently firm position insisting upon a most literal and strict adherence to the language of the Article. This position regards Chapter XI as a unilateral declaration of intent and the obligations mentioned in Article 73 as consisting of two types: general obligations as stated in sub-paragraphs (a), (b), (c), and (d), and a very specific and limited obligation as stated in sub-paragraph (e). This position obviously excludes any consideration of the proposition that submission of political information is mandatory in view of the general intent and language of Chapter XI and Article 73. In addition, the United Kingdom has opposed the provision of such information on a mandatory or voluntary basis, claiming that (a) the matter was considered and rejected at San Francisco, (b) such a move constitutes an extra-legal attempt to rewrite the Charter, and (c) there is a difference between the public discussion through normal constitutional processes and the interference of international agencies in

matters which concern only the United Kingdom and its colonial peoples. In addition to opposing voluntary submission, the United Kingdom has stated that it would not conform to such a proposal were it adopted. Belgium has supported this position throughout and has stated that it would only consider changing this interpretation after a decision by the International Court of Justice. Belgium has also held that under Article 55 signatories of the Charter were bound to improve conditions generally but were not expected to furnish information as to whether they were doing so.

France has opposed attempts to interpret Article 73 in the broad sense which would make political reporting on non-self-governing territories mandatory. It has, however, supported voluntary submission at the discretion of the reporting Member, although it has reserved its position on further submission of such information on French territories in view of the decision of the Special Committee, 1949, that discussion of such information was admissible.

Other administering Members, including Australia, New Zealand, Netherlands, Denmark and the United States have supported the position that submission of political information is voluntary under the terms of Article 73(e).

On the related question of the purposes for which information is transmitted and the use to which it can be put, the United Kingdom, France, Belgium, and the Netherlands have taken the position that they are not prepared to discuss political or constitutional matters in the Special Committee or in any other organ of the United Nations; and, in addition, they have opposed the competence of the Special Committee to consider and make recommendations upon the general subject of voluntary submission. In taking this view, they have reasserted the argument that information, including that voluntarily submitted, is for information purposes only and not to be discussed nor could resolutions be recommended concerning it.

However, in opposing Resolution 222 (III), the United Kingdom stated that, while it always made public any constitutional changes, [as a result of which it ceased to report on a territory],¹ and had always furnished and would continue to furnish to the library of the United Nations full details on such changes, in its view it was not required at any stage to bring officially to the notice of the Secretary General the constitutional instruments providing for such changes in such a way that the information would become a matter for discussion in the United Nations. This latter position would seem to imply that information officially transmitted, presumably including voluntary

¹ Brackets appear in the source text.

political information, is admissible for discussion in the United Nations. France has stated that it was quite probable that it would not supply political information since the competence of the Special Committee in this matter was decided affirmatively.

It would appear that the administering powers, while originally opposing discussion, reports, and recommendations on information on economic, social, and educational conditions, have acquiesced in these cases but attempted to maintain their original position in regard to voluntarily submitted political information. The United Kingdom and France abstained on the proposal providing for Secretariat summaries of such information and inviting information on Part I other than item (d) : government (Resolution 218 (III)).

On the question of definition of the term non-self-governing, with which the problem of submission of political information has become involved, the colonial powers have not objected in principle to the right of the Assembly under Article 10 to attempt such a definition. Their opposition, however, has been most strong on the question of determination of the status of any specific territory under Chapter XI. The relevance of political information to this problem arises principally in connection with the sources of information which the Assembly or the Special Committee might use in their discussions. Consistent with their position against the application of any definition by the Assembly, the United Kingdom, France and Belgium have opposed the official submission or discussion of political information for the purpose of determining the status of any non-self-governing territory under Chapter XI. The United Kingdom, France, and Belgium abstained on Resolution 222 (III) under the provisions of which the United Nations considers it essential that it be informed of constitutional changes by virtue of which information is no longer transmitted and requests communication of appropriate information on the constitutional status and the relationship with the metropole of such territories. France has complied with the provisions of this resolution; the United Kingdom has not. On another occasion, the United Kingdom stated that the question of the constitutional relationship between the metropolitan powers and their territories was a matter within the exclusive jurisdiction of the powers concerned. The latter contention is consistent with the United Kingdom interpretation of Article 2(7) that discussion and recommendation by the United Nations may constitute interference in matters within domestic jurisdiction.²

² The Department drafted a separate position paper on this subject, "Recourse to the domestic jurisdiction clause of the Charter" (Item III, D, 3, b), not printed.

On the question of the Standard Form which is related to the problem of submission of political information by virtue of the optional Part I of the Form, the colonial powers voted in favor of Resolution 142 (II) to which the Form was annexed for the guidance of Members. Belgium, however, made general reference at that time to the tendency to illegally revise the Charter, pointing particularly to the provisions of Part I. The United Kingdom's only reservation was on the practical grounds that compilation of reports should not interfere with the substantive work in non-self-governing territories. In the Fourth Committee, Fourth Session, the United Kingdom opposed, as did Belgium and France, Resolution 327 (IV) which provides, *inter alia*, that in revision of the Form general information on geography, history, people and human rights should cease to be classified as optional. In so doing, the United Kingdom stated that it had agreed to include in its returns under Part I such supplementary information on these subjects as was necessary to a proper understanding of the information transmitted under Article 73(e) and that the description "optional" should continue to apply to Part I. This appears to represent a retrogression from the position taken by the United Kingdom in the Special Committee, 1948, where it opposed an invitation to Members to supply information on the items specified above, stating that it was not prepared to submit any information under the optional section, though it would include such information as it deemed necessary on the subjects therein other than government under Part II of the Form. It would appear that had the United Kingdom consistently maintained this earlier view, it should have supported the recommended revision of Part I. The United Kingdom also stated in 1948 that it was not prepared to have anything to do with Part I of the Form as such.

RECOMMENDED UNITED STATES POSITION

1. On the question of submission of political information as a problem, *per se*, the United States should adhere to its present position which, while recognizing that the submission of political information is not required under the provisions of Article 73(e), supports the voluntary transmission of such information by Members administering non-self-governing territories. In stating this position, the United States might point out that it wishes to secure the cooperation of all Members of the United Nations in a constructive and reasonable interpretation of Chapter XI, and that, to this end, it will continue to oppose attempts to interpret Article 73 in its widest sense as obligating the submission of political information, but similarly, it seeks to avoid the provocative results of a rigid insistence upon a narrow and literal interpretation of the obligation set forth in sub-paragraph (e). The

United States representative might also call attention to the fact that only the U.S.S.R., its satellites and Egypt have insisted upon an interpretation which would make political reporting mandatory; whereas, a majority of the colonial and non-colonial powers have supported voluntary submission. Acceptance and implementation of the latter point of view by all colonial powers would, in the view of the United States, be tactically desirable as a possible means of preventing the strengthening of the extreme, U.S.S.R. position.

2. Should the question be raised as to the position of the United States on the use of or purpose for which political information is voluntarily submitted, the United States should state that, in relation to the Special Committee, it maintains the same position on its competence with regard to information voluntarily transmitted as on other information transmitted under Article 73(e), *viz.*, that the Committee is competent to discuss, report, and make substantive and procedural recommendations upon functional fields generally, but not with respect to specific territories. The United States feels that such a position is consistent with (1) the voluntary character of such political information as is transmitted, (2) the request made by the General Assembly to the Secretary General to summarize and analyze such information, (3) the considerations which prompted the present procedure on social, economic and educational information, and (4) the provisions of Resolution 334 (IV) providing for the preliminary consideration by the Committee of the factors to be taken into account in deciding whether any territory is or is not non-self-governing.

In respect to the General Assembly and the issue of defining "non-self-governing", the United States should reply that, while it does not consider that recognition of the right of the General Assembly to attempt such a definition alters the interpretation of Article 73 in such a way as to make submission of political information mandatory, it takes the view that the General Assembly is competent to utilize such political information as is voluntarily submitted in its discussion of a general definition. But the United States believes that the General Assembly should not make recommendations on specific territories to individual administering Members, irrespective of whether they had voluntarily submitted political information on those territories or not. The United States has consistently maintained that the submission of voluntary information in no way prejudices the right of administering Members to determine the status of their territories under Chapter XI.

3. Should the question of the proposed revision of the Standard Form arise, the United States should state that insofar as such revision would involve changes in the optional classification of items

a, *b*, *c* and *e* under Part I, it considers that the provisions of paragraph 3, Resolution 327 (IV) should be complied with in view of (*a*) the essentially optional character of the Standard Form as a whole, (*b*) the fact that the General Assembly did not recommend that item (*d*): government, cease to be classified as optional, and (*c*) the principle, to which the United States subscribes, that resolutions of the General Assembly should be faithfully complied with by Members of the United Nations.

4. In commenting generally upon the voluntary submission of political information by Members administering non-self-governing territories, the United States representative might emphasize the importance of a broad and constructive approach to this problem, pointing out that it would appear desirable, in view of the essential nature of the United Nations and the spirit of the Charter, as well as for pressing, contemporary tactical considerations, that those countries who are most intimately associated with the development of democratic, constitutional government and whose experience has been widest in the problems of its evolution should take every opportunity to expound its virtues, discuss its problems, and answer its critics, especially in respect to those areas of the world where they have undertaken the responsibility to develop democratic self-government. To adopt other than a liberal, constructive attitude toward the discussion of fundamental political problems, even upon the soundest legal grounds, is to provide the opportunity for unjustified presuppositions and insinuations.

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Draft of Position Paper From Background Book for Colonial Policy Discussions

CONFIDENTIAL

[WASHINGTON,] June 22, 1950.

ITEM III, B, 1—THE RELATIVE FUNCTIONS OF THE UNITED NATIONS AND THE ADMINISTERING AUTHORITIES, AND THE TENDENCY OF THE UNITED NATIONS TO CONCERN ITSELF WITH ADMINISTRATION, AS WELL AS WITH SUPERVISION OF THE TRUST TERRITORIES

BACKGROUND

The United Nations Charter does not make clear the distinction between the terms "administration" and "supervision". Spokesmen for the British, French, and Belgian Governments have repeatedly expressed in UN bodies the view that the functions of the United Nations in relation to Trust Territories are strictly limited to super-

vision and that administration is the exclusive responsibility of the Administering Authorities. This division of responsibility has its legal basis, they point out, in the individual trusteeship agreements. The Charter, in Article 81, states that "the trusteeship agreement shall in each case include the terms under which the Trust Territory will be administered and designate the authority which will exercise administration of the Trust Territory"; while Article 85 states that: "(1) the functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly; and (2) the Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions."

The key to Article 85, according to these nations, is the fact that it refers to "The functions of the United Nations *with regard to trusteeship agreements*", not "with regard to trusteeship". In other words, the individual agreement is the basic document establishing the relationship between the United Nations and the Administering Authority. In a typical agreement (for Togoland under British Administration) it is stated (Article 5) that "The Administering Authority shall have full powers of legislation, administration and jurisdiction in the Territory". In addition, (Article 3) "the Administering Authority undertakes to administer the Territory 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 "to collaborate fully with the General Assembly of the United Nations and the Trusteeship Council in the discharge of all their functions as defined in Article 87 of the United Nations Charter".

These functions are clearly stated in Article 87 to be: (a) considering reports submitted by the administering authority, (b) accepting and examining petitions in consultation with the administering authority, (c) providing for periodic visits to the Trust Territories at times agreed upon with the administering authority, and (d) taking "these and other actions in conformity with the terms of the trusteeship agreements". Again the individual agreement appears as the basic authority.

In order to see how the United Kingdom, France, and Belgium have interpreted their relation to the United Nations as Administering Authorities, it is necessary to refer to debates in United Nations bodies in which spokesmen for these nations defined their government's position.

[Here follows exposition of public statements by delegates of the three named states.]

RECOMMENDED UNITED STATES POSITION

1. The United States participants should utilize, as may be appropriate, the following interpretation of the provisions of the Charter bearing upon the respective functions of the United Nations and the Administering Authorities:

Article 75 of the Charter states that "the United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements." Since the function of administration is in each of the existing Trusteeship Agreements assigned to the Administering Authority, it seems clear that the role of the United Nations is that of supervision. In this connection it may be noted that the functions of the UN "with regard to *trusteeship agreements*" are stated in Article 85, and the only ones expressly named are "the approval of the terms of the trusteeship agreements and of their alteration or amendment". The functions and powers of the Trusteeship Council are described in Articles 87 and 88 which provide for the machinery of supervision, including the questionnaire, the annual reports, petitions and visiting missions. The Assembly and the Council are empowered to "take these and other actions in conformity with the terms of the *trusteeship agreements*." Neither the Charter nor the Trusteeship Agreements confer powers of administration upon the General Assembly or the Trusteeship Council. On the contrary, the Trusteeship Agreements make clear that it is the Administering Authorities which are assigned powers of administration.

2. The United States participants should point out that the principal problem is how the supervisory functions of the General Assembly and the Trusteeship Council with respect to trust territories should be interpreted.

3. The United States participants should state that, in determining whether a given proposal is properly within the supervisory powers of the General Assembly or the Trusteeship Council, the United States is guided by the following considerations:

(a) The primary responsibility of the Trusteeship Council and the General Assembly is to review the actions taken by the Administering Authorities in giving effect to the obligations assumed by them and to make appropriate observations or recommendations as a result of this review.

(b) However, the United States cannot agree that the supervisory functions of the Trusteeship Council and the General Assembly

necessarily preclude their expressing their views regarding proposed policies or programs of the Administering Authorities.

(c) The United States agrees that there is no obligation to consult or inform the Trusteeship Council in advance on contemplated action, but as a matter of wise judgment there might be certain important cases, such as the grant of a monopoly or long-term concession involving a substantial proportion of the economic life of a trust territory, where such consultation would be advisable.

(d) Even when the advice of the Trusteeship Council or the General Assembly might exceed, strictly speaking, the supervisory functions of the United Nations, the United States believes that it may sometimes be in the interests of the trusteeship system for an Administering Authority to welcome the advice of the Council. The establishing or extension of the scope of an administrative union is a case in point.

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Draft of Position Paper From Background Book for Colonial Policy Discussions

CONFIDENTIAL

[WASHINGTON], June 15, 1950.

III, B, 2—THE RELATIONSHIP BETWEEN THE TRUSTEESHIP COUNCIL AND THE GENERAL ASSEMBLY AND THE QUESTION OF WHETHER THE TRUSTEESHIP COUNCIL IS OBLIGED TO CARRY OUT ANY DECISION OF THE ASSEMBLY OR HAS THE POWER TO REACH ITS OWN CONCLUSIONS ON THE POINT AT ISSUE

BACKGROUND

The status of the Trusteeship Council vis-à-vis the General Assembly, in particular the extent to which the Council is bound to carry out requests or recommendations of the Assembly, became a prominent question during the Council's Sixth Session in Geneva.¹ It was injected in varying degrees of intensity into the debates on Jerusalem,² the terms of reference of the Council's visiting mission to the Pacific,³

¹ The sixth session of the Trusteeship Council met from January 19 to April 4, 1950. The official records of the Council for this as well as for all sessions beginning with the first in 1947 are printed in separate volumes, comprising the summary records of meetings, annexes made up of documents and petitions relating to agenda items, and supplements containing reports of visiting missions of the Council to trust territories. Reports of the Trusteeship Council to the General Assembly appear in the official records of that organ; reports of the Trusteeship Council to the Security Council on the administration of the Trust Territory of the Pacific Islands, a strategic area, are published in special supplements in the official records of the Security Council.

² Documentation relating to the problem of Jerusalem is scheduled for publication in volume v.

³ The tour of the Visiting Mission to the Pacific Trust Territories took place in April and May, and, as this visitation included the United States-administered Trust Territory of the Pacific Islands, the United States Government (specifically the U.S. Navy) cooperated closely with the Visiting Mission in its survey. Papers relating to this subject are located in the Department of State central indexed files, case 350.

the Assembly's resolutions on political, economic, social and educational advancement in trust territories,⁴ and the flying of the United Nations flag over trust territories.⁵

[Here follows exposition of public statements on the subject of the relationship between the Trusteeship Council and the General Assembly, by the delegates of various governments.]

ANTICIPATED POSITION OF BELGIUM, FRANCE, AND UNITED KINGDOM

On the basis of the debates in the Sixth Session of the Council, these three governments may be expected to view the Trusteeship Council as a deliberative body acting by a majority vote of its member governments. These governments cannot be denied their discretion in acting upon issues before the Council. Although the Assembly has the authority to call upon the Council to report on its action in certain matters and might then itself draw up recommendations to be brought to the attention of administering authorities, the Assembly would be going beyond its normal functions in calling upon the Council to carry out *in toto* certain specified steps without expecting the Council to give independent deliberation to the wisdom of those steps.

RECOMMENDED UNITED STATES POSITION

In order to arrive at a position for the United States it is necessary to consider not only the views of the two sides but also the fundamental problem which has given rise to the issue.

The contention of the non-administering group in the Council has been based by them primarily upon the interpretation of Articles 85 and 87 of the Charter. These Articles are as follows:

Article 85

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

⁴These matters are covered from the point of view of United States policy in *Foreign Relations*, 1949, vol. II, pp. 340 ff.

⁵The General Assembly in December 1949 adopted a resolution which requested the Trusteeship Council to recommend to the Administering Authorities that the flag of the United Nations be flown over all trust territories side by side with the flag of the Administering Authority concerned. Very considerable opposition to this resolution was registered at the time by the various colonial powers, who succeeded in forestalling an implementing resolution at the sixth session of the Trusteeship Council. The United States Government had no objection to flying the United Nations flag in the Trust Territory under its authority, but due to the vigorous opposition of the other administering authorities finally took up the position that the governments concerned should be left free to determine the conditions and circumstances in which effect would be given to the resolution. A separate position paper was prepared for the colonial policy talks on this subject, which is not printed (Agenda Item III, C, 2, dated June 22, 1950).

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

Article 87

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

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

Both of these Articles make clear that the Council in acting on matters covered by them operates under the authority of the Assembly. With respect to strategic areas the Charter provides that the Security Council shall avail itself of the assistance of the Trusteeship Council. The nature or extent of this relationship is not defined except that the Trusteeship Council is to assist the General Assembly and Security Council in certain functions.

Those Members of the administering group who have expressed their opinions lay stress on three points: first, the establishment of the Trusteeship Council as one of the principal organs of the United Nations in Article 7, paragraph 1; second, the fact that the Council was established as a balanced organ on which administering and non-administering Members are equally represented; and third, the Charter provision in Article 89 that decisions of the Council shall be made by a majority of the Members present and voting. From these three points it is maintained that as a principal organ the Council is a deliberative body entitled to make its own assessment of problems. And in order that consideration of trusteeship problems by the United Nations should not be too far to one side, either pro-colonial or anti-colonial, the Council had been established as a balanced organ. If the General Assembly could direct the Council to make a decision one way or the other, the purpose of the Council's balanced membership would be destroyed. Moreover, each delegate on the Council votes upon instructions from his government. Those governments may or may not agree with a recommendation or request to the Council from the Assembly. In the event that they disagree, entirely or partially, they must vote in the Council as they think proper on the substance of the issue.

Possibly a legal opinion could be sought to determine either the nature and extent of the authority of the General Assembly over the Council, or the degree of independent judgment residing in the Council. Certainly the member governments of the Council should give careful consideration, in instructing their representatives, to the fact that a resolution has been passed by the General Assembly, and that such decisions of the General Assembly should normally be respected and complied with. But to press for a legal determination of the constitutional position of the Council may not be wise in view of the basic problem giving rise to the controversy.

For the Council the fundamental point at issue in the difference of opinion is of course the growing tendency of some non-administering Members to employ the General Assembly as a court of appeal on issues which divide the Council. Because the prevailing sentiment in the Assembly tends to be anti-colonial these Members feel that they can by this means keep a stronger and more constant pressure on the administering authorities, and also on the Trusteeship Council.

While this policy may prove successful in the short-run, it is potentially dangerous to the successful operation of the trusteeship system. The discordant note initiated in the Sixth Session as to the constitutional position of the Council will continue and constitute an ever present wedge between the two groups in the Council. Britain, Belgium, and France will resent more and more the threat of an appeal to the Assembly being held over their heads. And should the Assembly continually press too hard and too fast so that the administering authorities are constantly being placed in an embarrassing position the skepticism of some of them as to the value of the trusteeship system may develop into a policy of retrenchment and reduced cooperation. This would place the United States in an increasingly difficult position between the anti-colonial and colonial powers.

In this circumstance it is important not only that the non-administering group not unwisely attempt to pressure the administering authorities and the Council by means of the Assembly, but also that the administering authorities make all possible effort to meet in the Council as many points of the non-administering group as they can. Otherwise, the Assembly may begin to address its recommendations directly to the administering authorities and to by-pass the Council, since under Articles 85 and 87 this apparently can be done. The moderating influence of the equally balanced Council would thereby be lost and the administering authorities faced with ill-founded resolutions.

The United States has long felt that the Assembly should not endeavor to pass detailed resolutions on the substance of the Council's

work. Committee 4 is too large a body and has not the time to give proper attention to consideration of conditions in trust territories or even to debates in the Council. Recommendations directly from the Assembly to the administering authorities should not, therefore, be encouraged.

Under the language of Articles 85 and 87 of the Charter it would be difficult to maintain that the Council does not operate under the authority of the General Assembly. Such authority, however, should not be exercised by the Assembly in such a way as to deny to the Council the independent deliberative qualities which would seem to be inherent as a principal organ composed of member governments.

The United States should endeavor to point out to the non-administering Members of the Council the dangers in abuse of the Assembly's powers and to the administering authorities the dangers in forcing non-administering States to by-pass the Trusteeship Council. In the Assembly moderation will be required as to the nature of resolutions. Those supporting Council actions or requesting reports from the Council or asking the Council to undertake certain studies present little difficulty, but those passing upon substantive issues affecting the Trusteeship Council must be carefully drawn. In the Council the administering authorities will have to exercise careful discretion in their opposition to the non-administering authorities to avoid having substantive issues taken to the General Assembly. In this effort to settle the fundamental problem, it is important that the United States be free to increase its efforts to act as an intermediary between those factions taking the extreme views in the Council. Continual support of one side or the other will prejudice us in the eyes of the other.

CONCLUSIONS

From the foregoing analysis the following conclusions may be drawn:

1. The United States should inform the British, French and Belgians that we do not believe it advisable at this time for the General Assembly or the International Court of Justice to undertake definition of the respective positions of the General Assembly and Trusteeship Council, since a restrictive definition of the Council's powers would be disadvantageous and a broad definition might result in direct recommendations from the Assembly to the administering authorities.
2. The United States should urge the British, French and Belgians to exercise utmost care to avoid provoking the non-administering authorities to take issues from the Council to the General Assembly.
3. The United States should inform the British, French and Belgians that as may be appropriate we intend to impress upon the non-administering Members of the Trusteeship Council and General Assembly the danger to the operation of the trusteeship system of

attempting to use the General Assembly unwisely as a court of appeal to exert pressure on the administering authorities and Trusteeship Council on difficult substantive matters.

10 Files

*Draft of Position Paper From Background Book for Colonial Policy
Discussions*

CONFIDENTIAL

[WASHINGTON,] June 21, 1950.

ITEM III, D, 2—CONTRIBUTIONS WHICH ADMINISTERING MEMBERS
MIGHT MAKE TO THE SMOOTHER FUNCTIONING OF UN MACHINERY

BACKGROUND

At the San Francisco Conference the United Kingdom took an important part in developing the Declaration Regarding Non-Self-Governing Territories which became Chapter XI of the Charter. During the First and Second General Assemblies there was a feeling on the part of the United Kingdom and other Administering Members that certain non-administering Members were pushing Chapter XI too far. Some Administering Members therefore took a defensive attitude and were less cooperative in freely furnishing information both oral and written. At the Third General Assembly when attacks became numerous the United Kingdom attempted to answer each of these in detail. Inasmuch as this procedure did not prove successful, the United Kingdom at the Fourth General Assembly took an uncooperative attitude of non-participation in much of the discussion. They seemed to think that it was hopeless to try to cooperate on a reasonable basis with Members who were both ignorant and calculating.

The United States during the First and Second Assemblies opposed extension of machinery under Chapter XI, but during that time and since has gone along with the majority of the Assembly, and has tried throughout the channel discussions along constructive lines. The United States has not, generally speaking, come to the defense of the British or the French, and these Governments are inclined to feel that the United States has let them down. Our tactics, however, have not been unfriendly but resulted from our desire to avoid too close an association with other Administering Members in order to be in a position to exert influence with non-administering Members.

No basic agreement has thus been reached as to the proper role of the General Assembly and its Committees in relation to non-self-governing territories matters. Non-administering Members have taken

the view that "colonies" do not really belong to the Metropolitan Governments who administer them. The Administering Members maintain that they do belong to them and that the powers of the Assembly are extremely limited. This basic difference of approach underlies much of the divergence which has arisen in United Nations discussions.

ANTICIPATED POSITION OF THE UNITED KINGDOM, FRANCE, AND BELGIUM

Certain of the Administering Members regard discussions within the United Nations on matters pertaining to dependent areas as a necessary evil, and therefore they are willing to continue to participate in them. However, they regard the Special Committee on Information under Article 73(e) as unnecessary. The United Kingdom, French, and Belgian delegations did not participate at the Fourth General Assembly in the Fourth Committee election of non-administering Members of the Special Committee, and indicated at the close of the Assembly that they could give no assurances that their governments would continue to participate in United Nations consideration of matters arising under Chapter XI.

RECOMMENDED UNITED STATES POSITION

The United States has carefully examined its own experience and record of performance in handling matters arising under Chapters XI, XII, and XIII of the Charter in the General Assembly and the Fourth Committee as well as in the Special Committee and the Trusteeship Council. It believes that from this past experience certain principles can be drawn which will be useful for the United States delegations to bear in mind in the future. It also feels that other Administering Members may find the following conclusions of interest and may wish to consider the desirability of applying them. Of all the points noted below, point (1) is most important. To the extent it is followed the other points become relatively less important.

(1) As an Administering Member the United States believes that it has not only considerable obligation but also a very real opportunity to provide sound information to the United Nations on its own territories and to refute misconceptions of those who are uninformed or misinformed regarding conditions and developments in its dependent territories. In view of the great efforts and the records of achievement in recent years on the part of Administering Members in applying new concepts of administration with respect to their dependencies, there would seem to be no valid reason why the Administering Members, who willingly report in writing to the General Assembly on conditions in these territories and readily make available to the public their own reports on territorial problems, should be unwilling or reluctant to elaborate upon these achievements verbally in United Nations meet-

ings. Although this suggested procedure may be regarded as redundant and therefore unnecessary insofar as any persons or governments are sincerely interested in learning the actual facts regarding territorial problems, nevertheless there are important psychological and educational aspects involved in the situation which could be met by this procedure. Administering Members have a great opportunity to take the initiative in reporting with pride on their accomplishments. Such procedure might go far toward changing the attitude of many Members of the Fourth Committee. It might well be regarded as a constructive approach to the general problems and tend to eliminate much of the tension which seems to result from the present tendency of the Administering Members to sit by in relative silence, waiting to fend off attacks by non-administering Members. If this procedure were followed it would doubtless have a three-fold beneficial result: (i) it would be a means for amply demonstrating the complexity of the problem; (ii) it would provide a useful exchange of information on technical problems; and (iii) it would be a means for propagandizing for democracy.

(2) The United States believes there is a need for Administering Members to answer questions and refute statements critical of their administration of territories. Inasmuch as their records of achievement will bear responsible scrutiny, the answering of questions and criticisms provides an opportunity to correct misinformation and misconceptions. Experience has shown that it is also necessary for Administering Members to make replies to the vicious and unwarranted attacks which are sometimes made for propaganda purposes and which seek to embarrass and undermine them. Such replies must be made to prevent the Soviet Government and its satellites from capitalizing on the silence of Administering Members by declaring that inasmuch as replies have not been made the charges have been substantiated. This type of tactics has the unfortunate result of influencing those Members who may entertain doubts or uncertainty regarding the validity of the charges.

The advantages to be gained by giving careful replies to questions have been demonstrated by experience in the Trusteeship Council where application of this procedure has shown that it not only serves to remove the uncertainties and misconceptions of some Members but also indicates that Administering Members are cooperating willingly in the Council's work.

The situation in the Fourth Committee and to a lesser degree in the Special Committee is somewhat different. These bodies do not have the time, by comparison with the Trusteeship Council, to debate fully all matters brought to their attention. The Fourth Committee, comprised of a delegate from each Member Government, is far too large a forum to give attention to subjects in the detailed technical manner of the Trusteeship Council or even the Special Committee. Moreover its atmosphere unfortunately is sometimes too charged politically to produce objective discussions. Here the administering Members, particularly the British, are often subjected to unwarranted attacks and do not have enough time to prepare accurate and detailed replies.

To endeavor to make detailed replies to all such attacks and charges

places a heavy burden upon the delegations of Administering Members. The atmosphere of discussions bearing upon dependent territories would be less clouded and protracted if Administering Members would assume that their records of achievement are sufficiently sound to bear a certain amount of hostile and ill-founded criticism, and realize that to attempt to answer such criticisms "off the cuff" and with sarcasm often causes them to appear in an uncertain and undignified light.

Therefore, it is believed that while sincere questions should always be met with the best answers available, and while ill-founded attacks should have equally considered answers when possible, these replies should often be brief and succinct and should be delivered in a moderate and self-assured manner.

(3) The handling of dependent area problems calls for an untold amount of patience on the part of Administering Members. In this respect the United States and other Members with democratic parliaments find the situation no different from that prevailing in other official bodies in which administrators or witnesses must appear. It has been demonstrated repeatedly that the representative or witness who makes the best impression, generally speaking, is he who answers the questions for the tenth time with the same amount of patience, equanimity and care that he employed in responding to the question initially.

(4) In handling problems of dependent areas within the General Assembly and the Fourth Committee as well as in the Special Committee and the Trusteeship Council, more should be done informally than in the past to discuss problems with other delegations. This is at times difficult due to time limits and large numbers of delegations. For its own part the United States believes that it should increase its efforts to have informal and friendly conversations, insofar as possible, with all other delegations. If other Administering Members would adopt this practice, it is believed that much would be accomplished toward dispelling the idea that Administering Members are banded together in opposition to the non-administering Members, and that the general impression of cleavage between Administering and non-administering Members would be initiated. Such conversations by United States delegations with other delegations should not be interpreted by other Administering Members as any reluctance whatsoever on our part to exchange views with them as fully as may be called for by any particular situation.

320/S-150

*The Secretary of State to the Embassy in the United Kingdom*¹

CONFIDENTIAL

WASHINGTON, August 1, 1950.

No. 33

The Secretary of State refers to the Department's telegram No. 4660 of December 30, 1949 and the subsequent exchange of communications

¹ This instruction was repeated *mutatis mutandis* to Paris (No. 66) and Brussels (No. 11).

between the Department and the Embassy regarding the desirability of holding discussions between representatives of the United Kingdom Government and of the United States Government on dependent area problems.² The discussions were held in Washington from July 5 through July 7, 1950.³

There is enclosed for the information of the Embassy one copy of summary minutes of the discussions prepared by one of the Departmental officers who was present.⁴ There are also enclosed copies of the summary minutes of the discussions on the same subject held with French representatives from July 11 through July 13,⁵ and with the Belgian representatives from July 17 through July 18.⁶

The Department believes that the talks successfully fulfilled their purpose in that they provided an opportunity for a frank and friendly exchange of views on a wide range of subjects in the colonial field. While the discussions indicated that there was not an identity of views on all topics, the Department considers that substantial progress was made in narrowing the divergencies between the points of view of this Government and the other governments participating in the discussions, and hopes that this progress will be reflected in the forthcoming sessions of the Special and Fourth Committees of the Assembly. It also hopes that another result of the discussions will

² The United States group was led by the Assistant Secretary of State for United Nations Affairs (Hickerson) and the Director of the Office of Dependent Area Affairs (Gerig). The Assistant Secretary of State for Far Eastern Affairs (Rusk), the Assistant Secretary of State for European Affairs (Perkins), and the Deputy Assistant Secretary of State for Near Eastern, South Asian, and African Affairs (Hare) were present at the first meeting with the British group on July 5, and the Assistant Secretary of State for Near Eastern, South Asian, and African Affairs (McGhee) attended the first meeting with the French group on July 11. Also present at various of the meetings with all three groups (British, French, and Belgian) were the Messrs. Allen (EUR), Berry (ANE), Bourgerie (ANE), Cyr (ANE), Dreier (AR), Jackson (BNA), Jones (UND), Kopper (ANE), O'Shaughnessy (WE), O'Sullivan (PSA), Raynor (EUR), Tate (L), and Winfree (WE) and the Misses Bacon (FE), McNutt (FE), and Tibbetts (from the Embassy in the United Kingdom).

³ The British group was led by the British Ambassador to the United States, Sir Oliver Franks, and Sir Derick Hoyer Millar, Minister at the British Embassy; they were supported by a team of seven advisers (Messrs. Cotton, Martin, Cohen, Galsworthy, Meade, Laskey, and Thompson). There were six meetings between the United States and United Kingdom groups.

⁴ These informal United States minutes are not printed; they are located in the master files of the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State (the IO Files).

⁵ The French group was led by the French Ambassador to the United States, M. Henri Bonnet, and M. Henri Laurentie, Alternate French Representative in the Trusteeship Council. They were advised by MM. Monod, Naudy, Damey, and van Laethem. There were five meetings. The minutes are not printed and are located in the IO Files.

⁶ The Belgian group was headed by Belgian Ambassador to the United States Baron Silvercruijs, who was assisted by MM. Nisot, Harford, Ryckmans, DuPont, and Grosjean. There were four meetings. The minutes are not printed and are located in the IO Files.

be the participation in the work of the Special and Fourth Committees on the part of the United Kingdom, France and Belgium in a more positive manner than has been the case in the past. The United Kingdom delegates to the talks, in particular, seemed to appreciate the advantages which would accrue from the adoption of a more positive policy of cooperation with the Special and Fourth Committees.⁷

[Here follows brief instruction regarding the forthcoming meeting of the Special Committee on Information Transmitted Under Article 73 (e) and the autumn meeting of the fifth session of the General Assembly.]

⁷ In a memorandum written to the Under Secretary of State (Webb) on July 7, on the completion of the meetings with the United Kingdom group, the Assistant Secretary of State for United Nations Affairs (Hickerson) was somewhat more explicit:

"Although no specific commitments were taken and no formal agreements attempted, the talks led to some very positive results. We explained that we did not feel that a rigid and non-cooperative attitude in United Nations bodies on the part of administering authorities would have useful results but on the contrary would drive the majority of Members into taking more extreme positions, thus widening the gulf between colonial and non-colonial powers. The British Delegation, led by Ambassador Franks, informed us that they have decided to follow a different tactic in the United Nations by taking a positive initiative in the Special Committee instead of withdrawing from it, as they had earlier intimated they might do. In effect, they have decided to follow our line of being more generally cooperative, generous in participation and discussion, and less sensitive to unjustified criticism." (700.021/7-750)

The British decision to undertake a new approach to Special Committee, Fourth Committee, and General Assembly handling of dependent areas affairs was announced rather suddenly at the third meeting between the American and British groups, held on July 6 (minutes, July 6, 11 a. m., IO Files). The British Government made a public statement on the matter, in communicating a White Paper to the British Parliament on September 14 (Cmd. 8035: . . . *Memorandum on Proceedings Relating to Non-Self-Governing and Trust Territories*).

IO Files : US/A/C.4/186, also US/T/84

Memorandum of Conversation, by Mr. O. Benjamin Gerig of the Advisory Staff of the United States Delegation to the Fifth Regular Session of the General Assembly of the United Nations

CONFIDENTIAL

[NEW YORK,] November 20, 1950.

Mr. Meade¹ said he wished to suggest, informally for the moment, the desirability of arranging for further talks on colonial questions similar to those we held in August [*July*], in London some time in January, before the next meeting of the Trusteeship Council. Mr. Cook, Parliamentary Under-Secretary of State for the Colonies, is particularly interested in this idea and believes that it would be mutually advantageous to have such conversations in order (a) to

¹ Gerald Meade, Adviser, British Delegation to the General Assembly.

review the various resolutions which have grown out of the present Assembly, and (b) to consider any matters which might arise in the next meeting of the Trusteeship Council.

Mr. Meade said, incidentally, that the British Delegation was very much pleased with the effects which our talks in the summer had had, particularly in the course of the discussions in Committee Four. They felt that the talks had not only been helpful but that our delegation had fully lived up to the understandings which we had arrived at, and had helped to bring about more reasonable resolutions than had previously been the case. (The French had mentioned the same thing to me, and I believe also to Senator Cooper² a few days ago.) Meade thought that this experience showed that such talks in London would be helpful for the questions which will arise in 1951 in the Trusteeship Council, the Special Committee and the next General Assembly. I told Mr. Meade that we felt the same way about the results of the talks we had had and were very gratified that they felt our activities in this Assembly had been helpful. I added that the more positive participation of the United Kingdom Delegation and their willingness to respond to questions, many of which were very irritating, had greatly helped to change the tone of the discussions.³

[Here follows brief discussion of possible dates and participants.]

² Senator John Sherman Cooper was a member of the United States Delegation to the General Assembly, and represented the Delegation on the General Assembly's Fourth Committee (Trusteeship).

³ For the summary records of these meetings, see United Nations, *Official Records of the General Assembly, Fifth Session, Fourth Committee*.

II. THE SOUTH-WEST AFRICA QUESTION

320/7-1150 : Telegram

The Ambassador in the Netherlands (Chapin) to the Secretary of State

THE HAGUE, July 11, 1950.

48. For Meeker Legal Division. Today ICJ rendered advisory opinion Southwest Africa case as follows:¹

Court decided unanimously that Southwest Africa is territory under international mandate assumed by Union South Africa on December 16 [17], 1920.² By 12 votes to 2 Union South Africa con-

¹ For clarification of this cabled text, see Annex A to Doc. SD/A/C.4/76, September 4, 1950, p. 485. For official text, see *International Status of South-West Africa*, Advisory Opinion, July 11, 1950, I.C.J. Reports (1950).

² Useful information on the League of Nations mandates system is found in *Foreign Relations*, The Paris Peace Conference, 1919, vol. XIII, pp. 93 ff., and in Department of State, *Digest of International Law* (Marjorie M. Whiteman, editor), vol. I, pp. 598 ff. (hereafter cited as Whiteman, *Digest*). For text of the South West Africa mandate instrument, see U.N. Doc. A/70, October 1946. "Terms of League of Nations Mandates," or Manley O. Hudson, *International Legislation*, vol. I, pp. 42-126, *passim*.

tinues have international obligations resulting from mandate, including obligation to submit reports and transmit petitions from inhabitants of that territory, supervisory functions to be exercised by UN and reference to Permanent Court of International Justice to be replaced by reference to International Court of Justice, in accordance with Article 7 of mandate [and] Article 37 of Court's Statute.³

Unanimously that provisions of Chapter 12 of Charter applicable to territory of Southwest Africa in sense that they provide means by which territory may be brought under trusteeship system; by 8 votes to 6 Charter does not impose on Union of South Africa legal obligation to place territory under trusteeship; finally unanimously that Union of South Africa not competent to modify international status of a Southwest Africa, such competence resting with Union acting with consent of UN.⁴

CHAPIN

³ This is a reference to the Statute of the International Court of Justice which was annexed to the Charter of the United Nations, signed at San Francisco, June 26, 1945; for text, see 59 Stat. (pt. 2) 1031 or Department of State Treaty Series No. 993. Article 37 of the Statute reads: "Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice."

⁴ For excerpts from the Written Statement of the United States to the International Court of Justice in the advisory proceeding on the South West Africa mandate, see Whiteman, *Digest*, vol. 1, pp. 601 and 602 and 715 ff. In the statement this Government emphasized that "So far as the United States is concerned . . . its failure to ratify the Treaty of Versailles should not be considered to invalidate or weaken the dispositions made in the creation and operation of the mandate system." (*ibid.*, p. 602)

353/8-850: Telegram

*The Secretary of State to the Embassy in the United Kingdom*¹

CONFIDENTIAL

WASHINGTON, August 8, 1950—11 a. m.

690. Dept holding conversation Jooste² here Aug 7³ 1) ascertain SoAfr plans respecting submission reports on SW Afr pursuant ICJ opinion, 2) encourage SoAfr indicate at 5th GA its willingness report on SW Afr, 3) discuss UN machinery for examining reports. In Dept's opinion Aug 30 elections SW Afr require immediate approach to avoid possibility extreme statements during election campaign. Types of possible UN machinery to examine reports include TC, new comite GA

¹ Repeated to the United States Mission at the United Nations (USUN) as No. 121 and the Embassy in South Africa for information only as No. 17.

² G. P. Jooste, Ambassador of the Union of South Africa in the United States.

³ This telegram was drafted on August 7. For a report of the conversation, see Department's telegram 18, August 9, to Pretoria, p. 477.

established especially for purpose, GA 4th Comite, comite experts like Mandates Comm chosen by and reporting to GA or TC. Dept will emphasize importance of SoAfr taking action in accordance ICJ opinion to forestall castigation in GA, prevent SoAfr isolation in UN, and, in view present FE crisis,⁴ avoid sharp divergencies with Asian nations in GA.

Pls discuss with UK Govt with objective obtaining UK support for Dept's efforts encourage SoAfr submit reports pursuant ICJ opinion. Telegraph reactions.

ACHESON

⁴ This is a reference to the outbreak of the war in Korea ; for documentation on this subject, see volume VII.

320/8-950 : Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

CONFIDENTIAL

LONDON, August 9, 1950—6 p. m.

818. Re Deptel 690, August 8, conversations with Jooste on SW Africa at GA. Foreign Office says British have been thinking along same lines as US. CRO and Foreign Office having meeting Thursday to reconcile views on subject and seek ministerial approval for discussing subject with Geyer, South African High Commissioner. If Ministers concur, Foreign Office hopes CRO will call Geyer in next Monday or Tuesday and express to him strong hope of UK Government that SA will indicate at GA some willingness to report on SW Africa. Foreign Office in accord with US as to desirability early action on this matter and of SA's forestalling GA criticism. In event SA unwilling to act in accord ICJ opinion, which Foreign Office considers a good one. Britain may warn SA that UK support SA position cannot be expected. In view expected bitter Indian-South African quarrel at GA over Indians in SA,¹ Foreign Office particularly desirous that SW Africa discussion at GA not become equally bitter and damaging to Commonwealth relations.

Foreign Office said if possible it would appreciate hearing soonest of line Jooste takes with US since Geyer will probably argue along same lines.

DOUGLAS

¹ For documentation on this matter, see pp. 559 ff.

353/8-950 : Telegram

*The Secretary of State to the Embassy in South Africa*¹

CONFIDENTIAL

WASHINGTON, August 9, 1950—7 p. m.

18. ReDeptel 17, Aug 7.² In conversation Aug 7³ Dept attempted impress upon Jooste desirability So Afr in forthcoming GA session express willingness submit reports on SW Afr pursuant ICJ opinion.⁴ Jooste agreed transmit our recommendations his govt. He made fol statements: (1) So Afr "shocked" that 6 out of 14 ICJ judges held So Afr legally required submit trusteeship agreement on SW Afr; (2) So Afr seriously concerned over tendency evidenced Court and other organs UN consider So Afr accountable for administration SW Afr to UN as successor body to League of Nations; (3) So Afr eld not accept provision in opinion re its obligation transmit petitions on SW Afr to UN in light its objection GA decision give hearing to Scott⁵ last year; (4) it wld be difficult So Afr indicate willingness transmit reports as such action wld constitute "reversal" Malan's⁶ statement that since Court's opinion was merely advisory So Afr not bound thereby. Your comments requested especially re (4) above.

¹ Repeated to London as No. 725 and to USUN as No. 125.

² See Deptel 690, August 8, to London, p. 475.

³ A lengthy memorandum of conversation recording the meeting is not printed (August 7, file no. 353/8-750). The participants included the Assistant Secretary of State for United Nations Affairs (Hickerson); G. Hayden Raynor, United Nations Adviser, Bureau of European Affairs; J. Jefferson Jones III, Deputy Director of the Office of Dependent Area Affairs; Ambassador Jooste; and W. Dirkse-van-Schalkwyk, First Secretary of the South African Embassy.

⁴ In the memorandum of conversation Assistant Secretary of State Hickerson is recorded as saying that the United States felt that it would be "highly desirable" for the Union Government to indicate its willingness to render annual reports, amplifying somewhat on the points (cited in Deptel 690, August 8) that this was necessary in order to forestall castigation in the General Assembly; to prevent South African isolation in the United Nations; and to maintain unity in the General Assembly with states newly emergent from colonial status, in light of the Far East crisis. Mr. Hickerson then developed the theme that:

"... the General Assembly was emerging as one of the dominant organs of the United Nations and as a corollary to this development, it was necessary that all the members of the United Nations accept their obligations as members in a responsible manner, perhaps in a more responsible manner than they had evidenced in the past. Consequently, the United States expected to exert its influence to convince the member nations to fulfill their duties in a more responsible way in connection with all questions which came up for discussion in the General Assembly. It could therefore be hoped that if South Africa submitted reports, the action taken by the General Assembly on such reports would be more constructive than had perhaps been the case in the past." (353/8-750) After further discussion, Mr. Hickerson closed the conversation with a statement that he "sincerely hoped that the Union would see its way clear to indicate its willingness to submit reports on South West Africa in accordance with the Court's opinion".

⁵ The Rev. Michael Scott, an Anglican clergyman resident in South Africa who was a severe critic of Union racial policy; see p. 63.

⁶ Daniel Malan, Prime Minister of the Union of South Africa.

At your discretion you are requested utilize any suitable opportunity express informally to Ministry External Affairs US views re desirability So Afr indicate willingness submit reports, citing reasons set forth Deptel 17. While Dept hopes So Afr will decide transmit petitions SW Afr to UN, it is suggested you not emphasize this point at present in your discussions. If So Afr raises question, however, you may state that Dept hopes So Afr will carefully consider advisability compliance this portion Court's opinion. It wld be in accordance with Court's opinion for same body receiving reports to consider petitions under mandates procedure, which excluded oral hearings.

Memo describing Dept's conversation with Jooste in detail fols.

ACHESON

350/8-1050

The Assistant Secretary of State for United Nations Affairs (Hickerson) to the Ambassador of the Union of South Africa (Jooste)

WASHINGTON, August 10, 1950.

MY DEAR MR. AMBASSADOR: In accordance with our conversation of August 7, I am transmitting to you our views regarding the types of machinery which might be established by the United Nations to review reports on South West Africa submitted by the Union pursuant to the advisory opinion of the International Court of Justice. I am certain that you will appreciate that our thinking on the various types of machinery is only in a preliminary stage and that the following suggestions are merely of a tentative nature. We should be glad, however, if you would consider the various alternatives and let us know your reactions to them, together with any additional suggestions which you might have.

Perhaps the most obvious body which might review the reports would be the Trusteeship Council. Consideration of the reports by this body would in our opinion have several advantages, the most important of which derives from the Council's balanced membership of six administering and six non-administering states. It might meet to consider the reports on South West Africa under special rules of procedure conforming as closely as possible to the Mandates Commission.

Other alternatives for the examination of the reports would include the Fourth Committee of the General Assembly or a new committee of the General Assembly especially established for the purpose of examining the reports on South West Africa. The first of the foregoing would not have the advantage of the balanced membership of the Trusteeship Council. Moreover, it is possible that a new com-

mittee of the Assembly established for the purpose of reviewing the reports would not contain an equal number of administering and non-administering members.

The remaining possibility of a committee of experts composed of persons chosen for their individual competence in the field of colonial administration by the General Assembly or the Trusteeship Council, and reporting to one of these bodies, might have much to commend it. It is our belief that such a procedure would more nearly approximate that of the League of Nations system and would thus be in consonance with the opinion of the Court.

I hope that the foregoing information regarding the possible types of United Nations machinery which might be established to examine reports from South West Africa will be useful to you. I appreciated your courtesy in calling, and the frank and friendly way in which you received our comments on this difficult issue.

Sincerely yours,

JOHN D. HICKERSON

353/8-1150: Telegram

The Chargé in South Africa (Connelly) to the Secretary of State

CONFIDENTIAL

PRETORIA, August 11, 1950—noon.

39. Secretary External Affairs Forsyth told me yesterday he proposed recommend to Prime Minister Union explore possibilities submitting SWA reports UN, especially as such gesture following SoAf decision send pilots aid Korea should make international community more receptive to Union's problems (re Deptel 18, August 9). However, he was most dubious Cabinet would accept his proposal in view Malan's two latest flat statements August 7 and 11 in SWA he not prepared submit reports.

First three Jooste's four points accurate presentation government and general public opinion here. Re points 1 and 2, Forsyth has previously expressed same view. Re point 3, Forsyth did not bring up matter submission petitions but Malan in speech August 11 SWA said hearing petition by UN direct interference in domestic affairs. Re point 4, "reversal" South African position most unlikely not only in view Malan statement in Parliament ICJ decision merely advisory but also because of Malan's two recent SWA statements refusing submit reports which opposition United Party favor.

In our discussion possibilities UN bodies examining reports Forsyth suggested establishment committee experts like Mandates Commission, and said Jooste had not reported Department suggestion of new committee GA set up especially for this purpose. Malan returns Pretoria from SWA today and Forsyth hopes present his recommendations

next few days. We do not believe Malan will accept them, but in unlikely event Nationalists lose SWA August 30 elections Union Government might reconsider present adamant stand.

Sent Department 39, repeated London 2.

CONNELLY

320/8-1450 : Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

CONFIDENTIAL

LONDON, August 14, 1950—11 a. m.

900. ReDeptel 725, August 9. Substance of conversations with Jooste on South West Africa and of Jooste's reply given Foreign Office which has made arrangements consult South African High Commissioner today. UK line will be necessity SA showing some willingness cooperate, preferably by submitting reports, and that if SA will submit reports UK will be prepared to make strong fight to get reports considered by some form of special committee, US idea which Foreign Office considers good.

No mention US approach to Jooste will be made to SA since UK considers it important not to seem to gang up on SA.

Foreign office added that Dutch had been in to ascertain what UK was doing on South West Africa since Dutch fear SA obduracy will lead to "dangerous" GA situation. Foreign Office outlined its position but did not mention US views.

DOUGLAS

320/8-2450 : Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

CONFIDENTIAL

LONDON, August 24, 1950—7 p. m.

1176. Re Embtel 900, August 14, on South West Africa. Foreign Office stated that full conversation not yet held with Geyer although South African Government has been informed of UK hope that no statements will be made in course of campaign which will commit South Africa irrevocably on subject. Foreign Office now plans "shortly" both to call Geyer in for full discussion subject and at same time express views through UK mission in Pretoria. Expect Attlee¹ will supplement efforts by personal telegram to Malan.

Delay in UK approach to Geyer appears to have been occasioned by return of Parrott² from leave since Parrott wanted personally to

¹ Clement Attlee, British Prime Minister.

² Cecil C. Parrott, Head, United Nations Department (Political), British Foreign Office.

study all aspects question before approach actually made. Although Parrott dubious about possibility of getting GA consent to some form of a special committee to study reports, UK approach will be along same lines as that of US re desirability of SA's indicating willingness to submit some form of report.

DOUGLAS

320/9-150 : Telegram

The Ambassador in the United Kingdom (Douglas) to the Secretary of State

SECRET

LONDON, September 1, 1950—4 p. m.

1331. Embtel 1176, August 24. UK has made approach along same lines as that of US both at London and through personal message from Attlee to Malan. South Africa urged to consent to procedure along lines Court's opinion with particular reference to section which suggests that as far as possible mandates procedure might be followed.

No reaction as yet to UK representations although on official level in London it was indicated UK viewpoint "might be a bit difficult" for South Africa to accept.

Embassy informant requested above be treated in strictest confidence as other Commonwealth Governments not yet informed.

DOUGLAS

IO Files¹: SD/A/C.4/76

*Position Paper Prepared in the Department of State for the United States Delegation to the Fifth Regular Session of the General Assembly of the United Nations*²

CONFIDENTIAL

[WASHINGTON,] September 4, 1950.

QUESTION OF SOUTH WEST AFRICA
ADVISORY OPINION OF INTERNATIONAL COURT OF JUSTICE

THE PROBLEM

The problem is to determine the position of the United States in regard to the advisory opinion of the International Court of Justice delivered July 11, 1950, which states *inter alia* that the Union has an obligation to transmit petitions and annual reports on South West

¹ Short title for the Master Files of the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

² For information regarding the composition and organization of the United States Delegation, see p. 24. The General Assembly was to convene in New York on September 19.

Africa to the United Nations in accordance with the provisions of the mandate for the territory, and that the degree of supervision to be exercised by the General Assembly should not exceed that which applied under the Mandates System and should conform as closely as possible to the procedure followed in this respect by the Council of the League of Nations.

RECOMMENDATIONS

1. The Delegation should be guided by the general consideration that, in the view of the United States, the Government of the Union of South Africa should accept the opinion of the Court as a basis for its future actions with respect to South West Africa.

2. In accordance with this general consideration, the Delegation should adopt the following position:

(a) If the Union of South Africa should announce its willingness to submit reports and petitions in accordance with the International Court of Justice opinion, the United States Delegation should support or initiate a resolution along the lines of Annex A, using Alternative A of paragraph 2 and whichever Alternative of paragraph 3 the Union Government may find more acceptable.

(b) If the Union of South Africa should make no statement as to its intentions or should state that it is giving consideration to the opinion, the United States Delegation should support any resolution which in non-condemnatory language invites, requests, or urges the Union to submit reports and petitions in compliance with the International Court of Justice opinion. In general the resolution annexed may be utilized as a basis for discussion with other delegations, using Alternative B of paragraph 2, and whichever Alternative of paragraph 3 is more acceptable to the Union. If the Union should not indicate any preference, the Delegation may utilize whichever version of paragraph 3 appears more acceptable to the other delegations.

(c) If the Union of South Africa states at the General Assembly or in any official communications to the United Nations that it will not submit reports on South West Africa, the United States Delegation should express the very great regret of the United States that the opinion of the Court is not accepted by the Union Government as a basis for its future actions with respect to South West Africa. The Delegation should support a resolution urging the Union Government to reconsider this decision with a view to submitting reports and petitions in compliance with the Court opinion and, in order to carry out the obligations of the United Nations, providing appropriate machinery as envisaged in (a) and (b) above. The Delegation should seek instructions from the Department with respect to other proposals which may be made.

COMMENT

On August 7 Mr. Hickerson discussed the question of South West Africa with the South African Ambassador (Jooste) in Washington.

The Union Government was urged to express its willingness to act in accordance with the Court opinion and to consider various alternative types of United Nations machinery for examining reports and petitions from South West Africa.

On the basis of information thus far available, the position of the United Kingdom on South West Africa this year appears to be close to that of the United States. The United Kingdom has indicated agreement with the approach made by the United States to South Africa in Washington urging the Union Government to submit reports. The Department was informed on August 14 that the United Kingdom would make a similar approach. Subsequently information was received that the United Kingdom had expressed to the South African Government the hope that no statements would be made in the course of the election campaign which would commit South Africa irrevocably with regard to the opinion of the Court. A Foreign Office spokesman has indicated that if South Africa is unwilling to act in accordance with the Court opinion, which the Foreign Office considers a good one, the United Kingdom may warn South Africa that United Kingdom support for their position cannot be expected.

At the present juncture it is of utmost importance in view of the Far Eastern situation to win the wholehearted cooperation of Members recently emerged from colonial status in unified action to combat aggression. Furthermore, the United States has always felt that the Union of South Africa had followed an unwise policy in not voluntarily placing South West Africa under the trusteeship system. Also the United States has persistently stressed the importance of member states respecting actions of the United Nations. This is especially true with respect to decisions or opinions rendered by the International Court of Justice. Hence, the United States should take a clear position in the debate that the Union should carry out the opinion rendered by the Court. During the four years that the South West Africa question has been under consideration by the United Nations, the United States has exercised its influence in the direction of moderation. However, if the Union Government is unwilling even to consider the opinion of the Court as a basis for its future policies regarding South West Africa, the United States would not be in a position to make further efforts on behalf of South Africa, although the United States would not wish to see at this stage a resolution of condemnation.

With regard to the position of the Union Government in relation to the opinion of the Court on South West Africa, it is important to note that under Article 7 of the Mandate, any state which was a Member of the League of Nations could seek an actual judgment on the subject in a contentious proceeding between states. Such a judgment

would probably follow the same lines as the advisory opinion of the Court. Under Article 94 of the Charter, South Africa would have a legal obligation to comply with such a judgment, and the Security Council would have power to enforce the judgment.

As a part of the background surrounding this problem the Delegation should keep in mind the tenuous relationship presently existing between the Union of South Africa on the one hand and the United Nations. The Union Delegation has constantly been subjected to criticism since the inception of the United Nations on the case of South West Africa and on the case of Indians in South Africa. The effect on public opinion in the Union has been unfortunate and there is in existence a growing sentiment in the Union that participation in the United Nations entails more disadvantages than advantages. A by-product of this situation has been that South Africa has been somewhat isolated in the United Nations. Although it was elected to the UN Commission for Eritrea last year, it has never been elected to a major Council. The South Africans are extremely sensitive to this situation. Moreover, the effect of their present position on their relations with other Members of the United Nations also presents difficulties for the Union. Certain of their leaders such as Ambassador Jooste, who will be Chairman of the Delegation this fall, have been doing all they can to counter this public sentiment and recently succeeded in getting the Union to offer certain combat assistance for the UN action against aggression in Korea. For the Union of South Africa this was a very far-reaching step. The problem involves attempting to strike a balance by which we do not deviate from principles we believe to be right but under which at the same time we attempt to avoid the development of a situation which could result in the withdrawal of the Union from the United Nations. The Delegation should keep in mind, however, the very strong views held by the great majority of Members of the United Nations on South West Africa.

Since the Union has given no official indication of the position it intends to take at the General Assembly the recommendations of this paper are posited on the alternative attitudes which the Union Government might take. On the basis of present indications it appears unlikely that the Union will announce its willingness to submit reports and petitions. It would appear at present that the promise of recommendation 2 seems most unlikely to occur.

If the Union indicates its intention to submit reports, the possible types of United Nations machinery for examination of the reports include:

(a) *Trusteeship Council*

The Trusteeship Council, with its balanced membership of six administering and six non-administering states, might meet in special

session, or, in any event, under special rules of procedure conforming as closely as possible to those of the Mandates Commission.

(b) New Committee of the General Assembly

A new committee of the General Assembly especially established for this purpose might also conform its procedure to that of the Mandates Commission.

(c) General Assembly Fourth Committee

The examination of reports by the Fourth Committee might appear less desirable in view of the large majority of non-colonial countries on that committee. Also, this procedure might appear to go beyond the advice given by the Court as to the degree of supervision to be exercised by the General Assembly.

(d) Committee of Experts

The establishment of a Committee of Experts composed of persons chosen for their individual competence in the field of colonial administration by the General Assembly or the Trusteeship Council, and reporting to one of those bodies, might have much to commend it. It might be preferable from the point of view of the Union for such a committee to be chosen by, and responsible to, the Trusteeship Council in view of the balanced membership of that body.

It is believed that the balanced membership of the Trusteeship Council probably offers the best means of assuring an objective examination of the report. However, in view of the Union's vigorous objections to the examination given its 1946 report by the Trusteeship Council and the Court's opinion that the supervision to be exercised by the General Assembly should conform as far as possible to the procedures followed by the League of Nations, perhaps the establishment of a Committee of Experts, generally comparable to the Permanent Mandates Commission, for the purpose of reviewing the reports on South West Africa might be most acceptable to the Union Government. Accordingly, if the Union appears willing to submit report, and should indicate a preference for any of these alternatives, it is believed that the United States could support the Union's preference.

Annex A

DRAFT RESOLUTION

The General Assembly,

Having requested, by its resolution 338(IV) of 6 December 1949, the International Court of Justice to render an advisory opinion on the following questions:

"What is the international status of the Territory of South West Africa and what are the international obligations of the Union of South Africa arising therefrom, in particular:

"(a) Does the Union of South Africa continue to have inter-

national obligations under the Mandate for South-West Africa and, if so, what are those obligations?

“(b) Are the provisions of Chapter XII of the Charter applicable and, if so, in what manner, to the Territory of South-West Africa?”

“(c) Has the Union of South Africa the competence to modify the international status of the Territory of South-West Africa, or, in the event of a negative reply, where does competence rest to determine and modify the international status of the Territory?”

Having received the advisory opinion of the Court rendered on 11 July 1950,

1. *Notes* that the Court advises as follows:

On the General Question:

that South-West Africa is a territory under the international Mandate assumed by the Union of South Africa on December 17th, 1920;

On Question (a):

that the Union of South Africa continues to have the international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South-West Africa as well as the obligation to transmit petitions from the inhabitants of that Territory, the supervisory functions to be exercised by the United Nations, to which the annual reports and the petitions are to be submitted, and the reference to the Permanent Court of International Justice, to be replaced by a reference to the International Court of Justice, in accordance with Article 7 of the Mandate and Article 37 of the Statute of the Court;

On Question (b):

that the provisions of Chapter XII of the Charter are applicable to the Territory of South-West Africa in the sense that they provide a means by which the Territory may be brought under the Trusteeship System;

and that the provisions of Chapter XII of the Charter do not impose on the Union of South Africa a legal obligation to place the Territory under the Trusteeship System;

On Question (c):

that the Union of South Africa acting alone has not the competence to modify the international status of the Territory of South-West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations;”

2. (*Alternative A*). *Expresses* appreciation of the willingness indicated by the Union of South Africa to accept the opinion of the

International Court of Justice with respect to South West Africa as a basis for its future actions with respect to the territory.

2. (*Alternative B*). *Urges* the Union of South Africa to accept the opinion of the International Court of Justice with respect to South West Africa as the basis for its future actions with respect to the territory.

3. (*Alternative A*). *Requests* the Trusteeship Council, meeting under special rules of procedure conforming as closely as possible to the procedures established by the Mandates Commission of the League of Nations, to receive and consider reports and petitions with respect to the Territory of South West Africa and to make appropriate reports to the General Assembly relative to this Territory.

3. (*Alternative B*). *Requests* the Trusteeship Council to establish a special committee of persons acting in their individual capacities, meeting under special rules of procedure conforming as closely as possible to the procedures established by the Mandates Commission of the League of Nations, to receive and consider reports and petitions with respect to the Territory of South West Africa and to make appropriate reports to the Trusteeship Council relative to this Territory.

353/11-950

Memorandum of Conversation, by the Deputy United States Representative on the Trusteeship Council (Gerig)

CONFIDENTIAL

[NEW YORK,] November 9, 1950.

Participants: Dr. Dönges, [Union] Minister of the Interior Ambassador Jooste Mr. Botha, Legal Counselor Senator John Sherman Cooper ¹ Assistant Secretary John D. Hickerson Mr. Benjamin Gerig	{	Delegation of the Union of South Africa United States Delegation
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[Here follows brief summary of the conversation.]

In opening the discussion, Dr. Dönges reviewed again the familiar history of South West Africa since World War I, referring particularly to the part played by President Wilson² and General Smuts³ in setting up the Mandate System. Both these men believed, he said, that South West Africa, after being governed for a period "as an integral part" of the Union, would in due course become so

¹ Senator Cooper was a Representative on the United States Delegation to the General Assembly and sat as the United States Delegate on the Fourth Committee.

² Woodrow Wilson, President of the United States, 1913-1921.

³ Field Marshal Jan Christiaan Smuts one of the founders of the South African union, sometime Prime Minister of the Union, prominent world statesman.

indissolubly connected with the Union that in effect a "marriage" of the territory with the Union would be the natural outcome. This, he said, was on the way to being realized when Hitler⁴ and the Nazi element in South West began to make trouble in the 30's, looking toward keeping the territory separate in the hope that it would one day be recovered by Germany.

The Union, nevertheless, continued faithfully to carry out the League mandate and after the demise of the League continued to administer the territory "in the spirit of the Mandate". During the Second World War, he said, they might have annexed the territory but did not do so. General Smuts and the Union Delegation at San Francisco⁵ had announced, however, that they considered South West in a special status and while they would administer it as before, they had no intention of submitting a trusteeship agreement. They always held that a trusteeship was not obligatory and were greatly surprised that six Members of the Court, in the recent opinion, could have found otherwise.

They had wished to cooperate with the United Nations and for this purpose had, in 1946, made an annual report "for the information of the United Nations", but found that the report was turned over to the Trusteeship Council for examination as if the territory were under trusteeship. The Trusteeship Council had then formulated over one hundred supplementary written questions, most of which were extremely tendentious, regarding segregation and other aspects of Union policy. This was definitely an interference in the internal affairs of the Union, which was intolerable. Both governmental and public opinion in the Union thereupon decided that no further reports could or should be made.

Then came the request by the General Assembly in 1949 for an advisory opinion of the Court. The Union was quite surprised with some of the findings of the Court but nevertheless, he said, is desirous of going as far as possible in accepting the opinion of the Court. They wished to cooperate with the United Nations and do not wish to be put in the position of attacking the Court. Dr. Dönges referred to the fact that a squadron from the Union was being sent to Korea and that his Government felt they could play a more important role in the United Nations than had been possible so far. The question, therefore, was whether a "formula" could be found which would make possible such cooperation.

⁴ Adolf Hitler, Chancellor of the German Reich, 1933-1945.

⁵ For documentation on the Conference on International Organization which met at San Francisco, California, April 25-June 26, 1945, see *Foreign Relations*, 1945, vol. I, pp. 1 ff.

Mr. Hickerson said that we understood the point of view of the Union Government very well. We had been over a good deal of this ground in previous discussions, both with Ambassador Jooste and with Mr. Louw.⁶ The United States wished nothing more than to be helpful in overcoming the difficulties which have prevented the Union Government so far from exercising fully the important role which it could play in the United Nations. In the kind of dangerous and perilous world in which we are living, it is of the utmost importance that countries like South Africa should cooperate fully in the tremendous tasks which lie ahead, and the sending of the squadron to Korea was just one evidence of the role which the Union could play. We felt, he said, that the annual recrimination in the Assembly regarding South West Africa was most unfortunate and we hoped that a satisfactory arrangement could be made this year which would terminate this unnecessary friction. Quite frankly, we hoped that the Union would see its way clear to accept substantially the opinion of the Court and act upon its findings. The United States Delegation, in the last several years, had done everything within its power in the General Assembly to assist in a solution of this problem and had several times prevented extremely condemnatory resolutions from being passed. The United States itself was reporting not only on its trust territory but on a number of territories, like Puerto Rico, which were practically self-governing. We, like the British and French, have often been misunderstood in the General Assembly and have been subjected to very severe and unfair criticism but we have accepted that as one of the inevitable facts of life and have not allowed it to "get under our skin". We have felt that if the Union could render reports it would be subjected to less criticism than if it failed to do so. We very much hoped, therefore, that the Union Government would be able to go along with the opinion of the Court.

Dr. Dönges asserted that the position of the Union was in some respects *sui generis*. Though similar problems existed in some other countries, including the United States, there was no other country in which a small group of two million whites was surrounded by eight-or-more million nonwhites. The problem of sheer existence, therefore, was one which made opinion in the Union more sensitive perhaps than elsewhere to the type of criticism and interference which seemed to emanate from the United Nations. He thought that failure to comply with the Court's decision re reporting would be sharply criticized for a year or two but the criticism would then die out, particularly when it was understood that any complaints for non-performance of obli-

⁶ Erik H. Louw, Union Minister of Economics and head of the South African Delegation to the General Assembly, 1948 and 1949.

gations stipulated in a new agreement would be subject to the sanctions of the ICJ.

Dr. Dönges said that even this was making a big concession. His present instructions only permitted him to make a new agreement with the remaining Principal Allied and Associated Powers (United States, United Kingdom and France) or perhaps with the states which were members of the League of Nations in 1946 when it was discontinued. In offering to make such an agreement with the United Nations, he was going beyond his instructions but was prepared to recommend this action to his government. He wasn't sure they would accept it but he hoped they would.

When Mr. Hickerson expressed some doubt as to whether such an agreement, which fell short of the opinion of the Court, would be accepted by the Fourth Committee or the General Assembly, Dr. Dönges said that that was where the United States could play an important and decisive role. Mr. Hickerson, however, demurred by saying that we have frequently been in a minority, especially on colonial questions, and that it is doubtful if the Assembly would agree to a course of action which fell short of the Court's opinion. A number of delegations, indeed, wished to go beyond the Court's opinion by urging trusteeship again.

Dr. Dönges then developed the line which was taken by the two Judges, McNair and Read,⁷ in connection with the Court's opinion, namely, that supervision was of two kinds, judicial and administrative, and that *judicial* supervision under his proposal could be exercised by the Court, while *administrative* supervision, as provided in the mandate, was now impossible of execution because the United Nations had no organs identical with the Permanent Mandates Commission and the League Council for the examination of annual reports. He said that on the assumption held by the majority of the Court that the United Nations could handle reports like the League did, it would be necessary to set up a Committee of Experts for this one report—which was like using a sledge hammer to kill a flea—and also to have the Assembly operate on the unanimity principle which was the way the League Council operated when examining the report of the Permanent Mandates Commission. He thought, therefore, that in practice as well as in principle, the making of reports and having them examined by the United Nations was wholly impracticable.

Referring to the special position of the Union, Senator Cooper asked whether the making of reports and the subsequent discussion which would follow in the United Nations could not be used in such a way

⁷ These judges of the International Court of Justice had rendered minority opinions in the South West Africa case.

that a fuller understanding of the special position of the Union would come about and be more widely appreciated. Ambassador Jooste said that there were a number of delegations in the United Nations which seemed to have no hesitation whatever in stirring up trouble and since the South West territory was administered "as an integral part" of the Union under the mandate, such delegations would not hesitate to discuss any and every aspect of the legislative and administrative activities of the Union, which was intolerable.

Dr. Dönges, on the question of domestic jurisdiction and Article 2(7) of the Charter, referred at some length to Mr. Dulles' ⁸ statement made at San Francisco which resulted, he said, in taking the domestic jurisdiction clause out of Chapter VIII and giving it wider application by putting it in the Charter where it now is. He felt, therefore, that the United States Delegation should do more in keeping the Assembly from interfering in matters which are so generally within the domestic jurisdiction of governments, particularly in this case, as it affects the way in which South West Africa is being administered. He added that actually the administration of South West Africa is excellent and that the Union Government was carrying out a great many benevolent and enlightened programs in the territory, including the pacification of various tribes including the Hereros, who heretofore had been accustomed to making life miserable for the other tribes. In spite of these efforts, people like Michael Scott were actually stirring them up and using such phrases as "Look to the United Nations—the day of your deliverance is near".

Mr. Gerig said that we and some of the other administering powers have recently been changing our tactics in the United Nations. We, too, felt that our administration of the territories under our charge was benevolent and enlightened. Instead of being on the defensive and accepting a lot of unjust criticism we, together with the British and French, have been pursuing the tactic of speaking freely about the many good things which we are doing, thus putting our critics on the defensive. This, he thought, could also be done by the Union Government and would have the effect of counterbalancing much of the criticism which was, in any event, inevitable. He also expressed the opinion that if the Union Government was willing to have the proposed agreement discussed under the broad provisions of Article 10, as Ambassador Jooste suggested, there was likely to be just as much occasion for criticism as if an annual report were submitted and referred to Committee Four. Dr. Dönges said that there was not as

⁸ John Foster Dulles, sometime member of United States Delegations to the General Assembly, 1946–1950. He was a member of the United States Delegation to the San Francisco Conference.

much criticism under the Permanent Mandates Commission, but Mr. Gerig rather doubted this and said that the Mandates Commission operated in private and the minutes did not record many of the critical questions which were posed to the various administering authorities. Mr. Hickerson added that the work of the United Nations takes place almost entirely in public and therefore, unlike the technical committees of the League, the criticism immediately gets to the public. This was perhaps inevitable and we had to make the best of it. But as long as our consciences were clear we should not be so sensitive to criticism. Dr. Dönges agreed in principle but said that public opinion in South Africa simply could not accept such public criticism at the present time and no government could withstand it.

In conclusion, Dr. Dönges gave the impression that the Union Delegation would make its proposal for a limited agreement with the United Nations, excluding the reporting function. Dr. Dönges hoped the United States would support this line but Senator Cooper and Mr. Hickerson gave no indication that we would do so. Dr. Dönges handed Mr. Hickerson a rough draft of what they have in mind to propose.⁹

⁹ Not printed. This informal and personal initiative by Dr. Dönges was overtaken by events in the Fourth Committee itself.

320/11-1750: Telegram

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

CONFIDENTIAL

WASHINGTON, November 17, 1950—8 p. m.

Gadel 124. Dept believes US might sponsor resn transmitted immediately folg tel,¹ preferably the first alternative, if it can obtain as co-sponsors such states as the Dominican Republic or Argentina, Denmark, Canada or New Zealand, Philippines or Thailand. In its discretion, del might try getting India not to submit its draft res² but shld not seek India's co-sponsorship since this wld probably make So Afr acceptance more difficult.

ACHESON

¹ *Infra*.

² On November 9 the Indian Delegation had handed to the United States Delegation the text of a two-part resolution on South West Africa (USUN telegram Delga 264, November 9, File No. 320/11-950, not printed). The first part concerned the question of the implementation of the advisory opinion by the International Court of Justice; the second part incorporated a proposal for the application of the international trusteeship system to South West Africa. Subsequently the two parts were separated into two draft resolutions and submitted to the Fourth Committee for consideration. For the texts of the two draft resolutions, see United Nations, *Official Records of the General Assembly, Fifth Session, Annexes*, vol. I, fascicule on agenda item 35 entitled "Question of South West Africa: advisory opinion of the International Court of Justice," pp. 4 (UN Doc. A/C.4/L.121) and 7 (UN Doc. A/C.4/L.122). Hereafter cited as GA (V), *Annexes*, vol. I.

320/11-1750 : Telegram

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

RESTRICTED

WASHINGTON, November 17, 1950—8 p. m.

Gadel 125. Draft resolutions South West Africa.

(1) *Recalling* its previous resolutions 65 (I) of 14 December 1946, 141 (II) of 1 November 1947, 227 (III) of 26 November 1948, 337 (IV) and 338 (IV) of 6 December 1949 concerning the Territory of South West Africa, and

(2) *Having requested*, by its resolution 338 (IV) of 6 December 1949, the International Court of Justice to render an advisory opinion on the following questions:

[Here follow the questions, comprising the balance of paragraph (2); and paragraph (3), in which note is taken of the advisory opinion of the Court rendered on 11 July 1950, and a verbatim recital is made of the Court's opinion on each of the questions.]

(4) *Recommends* that the Govt of the Union of South Africa in conformity with the opinion of the ICJ concerning the international status of South West Africa and until such time as the present international status of the territory has been modified with the consent of the UN, (a) submit to the UN an annual report on its administration of the territory, and (b) transmit to the UN, with such observations as it deems desirable, petitions received by it from inhabitants of the Territory.

(5) First Alternative. *Invites* the Union of South Africa to enter into negotiations with UN concerning steps to be undertaken to implement the advisory opinion of the Court concerning the international status of South West Africa and, for the purpose of the said negotiation, establishes a committee composed of ———, which should submit a report thereon to the next regular session of the GA.

(5) Second Alternative. *Establishes* an *Ad Hoc* Comite on South West Africa to examine the annual reports and the petitions relating to the Territory and to present its observations thereon to the GA; the *Ad Hoc* Comite shall advise the Assembly in all matters relating to the observance of the Mandate for South West Africa, and perform such other functions as may be entrusted to it by the GA.

The *Ad Hoc* Comite on South West Africa shall consist of ten members selected for their personal merits and competence by the following Member States:

It shall meet at such time and place as may be determined by the SYG. Its procedures in the consideration of the annual reports and of petitions shall conform as far as possible to the procedure followed

by the Mandates Commission of the League of Nations and shall otherwise conform to the rules of procedure of the Comites of the GA.

(5) Third Alternative. *Establishes* a special commission of — persons to receive and consider the reports and petitions referred to in para 4 and to make appropriate reports to the GA relative to this Territory. The Members of this Commission will serve in their individual capacities and will be elected by the GA from a panel of persons qualified in the field to be named by —. The Commission will establish rules of procedure conforming as closely as possible to the procedures established by the Mandates Commission of the League of Nations.

ACHESON

IO Files : US/A/C.4/187

*Memorandum of Conversation, by Mr. G. Hayden Raynor of the
Advisory Staff of the United States Delegation*

CONFIDENTIAL

[NEW YORK,] November 21, 1950.

Participants: Mr. R. W. D. Fowler, United Kingdom Delegation
Mr. G. Hayden Raynor, United States Delegation

[Here follows brief discussion of the question of Indians in South Africa.]

2. *South-West Africa*

Mr. Fowler confirmed that the UK feels as we do that the South African proposal would not be acceptable in the Assembly. They understand, as I do, that if the UK and ourselves are not prepared to support this proposal that the South Africans will not make it. The UK tentatively is inclined to favor a resolution which would accept the courts opinion, invite the Union to carry it out, and preferably set up some UN committee with which the Union can negotiate as to how the opinion can be put into effect. The UK feels that the South African idea that the Assembly confine its action to asking South Africa to consider the courts opinion and give its reply next year, which in effect would put off the whole matter for a year, would not be acceptable to the Assembly. I expressed concurrence in this view. Mr. Fowler thought it might be possible for the South Africans to co-sponsor a resolution along the type mentioned above. I told him of the tentative views we had on this question of co-sponsorship and he seemed to think this was a good plan. He especially liked the idea of trying to bring in the Philippines as a co-sponsor. He desires to have a talk, probably tomorrow, with the Indians on this question and would like to check in with us further before doing so.

IO Files: US/A/C.4/189

*Memorandum of Conversation, by Mr. G. Hayden Raynor of the
Advisory Staff of the United States Delegation*

CONFIDENTIAL

[NEW YORK,] November 22, 1950.

Participants: Ambassador G. P. Jooste—Union of South Africa
Mr. G. Hayden Raynor—United States Delegation

I met Ambassador Jooste in the Lounge at Lake Success this afternoon by appointment in order to discuss this with him. Mr. Gerig was unable to be present as he had to sit in the Fourth Committee.

The Ambassador repeated views which he had expressed to me the other day that the preferable course of action from the South African point of view would be for the Assembly to pass a simple resolution, providing (1) it had considered the Court's opinion, (2) it accepted it, and (3) it referred the opinion to the Union for the Union to consider and determine its position thereon. He said he understood this might be unacceptable as some people would view this as simply postponing the entire issue for twelve months. He stressed that what he hopes could be obtained is a resolution which will keep the matter flexible so that, for a change, negotiations with South Africa could start out on aspects of the case on which there would be a meeting of minds between the Union and the UN. (Presumably the material covered in the proposal given to us ten days ago.)

The Ambassador indicated great importance would be attached in the Union to the Assembly accepting the opinion *in toto*, provided it desires to accept it, in view of the part of the opinion relating to a trusteeship agreement. I showed the Ambassador a copy of the draft resolution with several alternative paragraphs as transmitted to the Delegation recently by the Department.¹ The Ambassador's comments on this draft were as follows: He feels paragraph 1 on the first page should be deleted as it is extraneous to the consideration of the advisory opinion which is the business this year, and that the reference contained therein to the trusteeship agreement resolution² will make more difficult the development of a reasonable attitude on this question in the Union. He thinks it would be perfectly appropriate to start the resolution with the present numbered paragraph 2. He had no comment or objections on paragraphs numbered 2 and 3. He feels strongly, however, that paragraph 4 should be eliminated as it anticipates a decision that the Union will resume the filing of reports,

¹ See Department's telegram Gadel 125, November 17, p. 493.

² This refers to resolution 65 (I) of December 14, 1946.

and unduly stresses one aspect of the Court's opinion. His general remarks mentioned above, relating to flexibility, apply specifically to this paragraph.

In the Ambassador's opinion, there should be a new paragraph 4 which would (a) indicate that the Assembly accepts (or approves) the opinion of the Court, and (b) Calls upon (urges or invites) the Union to implement it. This might then be followed by the first alternative of paragraph 5. The Ambassador did raise the question, however, whether it would be wise to put in paragraph 5 initially because of the various amendments which always come in. He felt that perhaps it might better be submitted at a later stage, as a compromise. He said he wanted to make one strong point with regard to the composition of the Committee and that if we want to get cooperation from the Union, and he hoped that was possible, that India not be a member of the Committee. He thinks, however, that the Far East should be represented. He said that he had given some thought to Burma, which might be a possibility, but thought that the best Far Eastern representative from their point of view would be Thailand. In answer of my inquiry, he thought it would be desirable for the United States to be a member.

Throughout the conversation I stressed the fact that the United States did not always have much influence in the Fourth Committee and that until we had consulted, we did not know whether or not a resolution of this type would be successful. He discounts our lack of influence and repeatedly made the point that if we made our position very clear and strong, and gave no indication that we would compromise, such a resolution could get through. In referring to the United States, he also includes the United Kingdom, the old Commonwealth, and the Western European countries. I told him that I felt certain we were in a mood to do everything we could for him but that he must not set his hopes too high in view of the atmosphere in the Assembly and particularly in the Fourth Committee. I said I had been talking to him very frankly as to our position and my objective had been really to probe his mind so as to get a clear indication of what he felt would be best from the point of view of a constructive resolution which we hoped would have results. I think the comments related above give this indication. I should add that present instructions would not permit the Union to go along with the above, and are to the effect that they should strongly oppose the findings of the Court. Apparently they intend to base a good part of their case, if

they take this line, on the liquidating meeting of the League.³ The Ambassador, however, seems hopeful that he and Minister Donges will be able to have their instructions modified if sentiment could be developed for a resolution along the lines discussed above.

³ In a final act at a session in Geneva April 8-18, 1946, the League's Assembly declared the League of Nations dissolved. At the same session resolutions were approved transferring the League's assets and certain technical and nonpolitical functions of the League to the United Nations, in accordance with a resolution of the General Assembly of the United Nations adopted on February 12, 1946. According to the General Assembly resolution political functions or powers of the League of Nations were to be assumed by the United Nations only with the consent of the General Assembly or the appropriate United Nations organ.

320/11-2350: Telegram

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

RESTRICTED.

NEW YORK, November 23, 1950—9:04 p. m.

Delga 335. For Cargo,¹ UND, from Gerig. Southwest Africa. UK handed us following draft resolution which they said Union delegation could reluctantly agree not to reject. As it is close to our first alternative, Department's opinion requested:

"*The GA,*

"*Having requested, by its resolution 338 (IV) of 6 December 1949, the ICJ to render an advisory opinion on the following questions: (here follow the three questions)*

"*Having received the advisory opinion of the Court rendered on 11 July 1950,*

"1. *Notes that the Court advises as follows: (here follow the three opinions)*

"2. *Accepts the advisory opinion of the ICJ with respect to Southwest Africa and commends to the Government of the Union of South Africa the acceptance thereof as the basis for its future actions with respect to the said territory;*

"3. *Invites the Government of the Union of South Africa to confer with a special committee, consisting of (president Entezam,² chairman Wan³ and SYG),⁴ for the purpose of formulating a proposal, including implementation thereof, based on the said advisory opinion, for submission to the next GA."*

[Gerig]
AUSTIN

¹ William I. Cargo of the Office of Dependent Area Affairs.

² Nasrollah Entezam, President of the General Assembly.

³ Prince Wan Waithayakon, Chairman of the Fourth Committee.

⁴ Trygve Lie, Secretary-General of the United Nations.

IO Files : US/A/M (Chr)/179

*Minutes of the Forty-fourth Meeting of the United States Delegation,
New York, November 24, 1950, 9:15 a. m.*

SECRET

[Here follow list of persons present (50) and discussion of a prior agenda item.]

2. *Southwest Africa* (Gadel 124 and 125).

Mr. Gerig explained that the question of Southwest Africa would arise in the Fourth Committee within the next day or so. There had been some new developments since the last time the Delegation had considered this item. He recalled that the basic issue in the case of Southwest Africa had been for several years the question of the slow assimilation of the territory by the Union Government, and the belief that the territory—the last League of Nations mandate which had not either become independent or been placed under trusteeship—should continued to have an international status of some kind. He observed that the Assembly had at each session adopted increasingly strong resolutions on this subject. Our position had been that while the Union Government was under no legal obligation in this regard, it did have a strong moral obligation. He went on to point out that there was an increasingly hostile feeling in the Fourth Committee against the policies of the Union of South Africa.

Last year, with the assistance of the United States, several questions had been prepared requesting an advisory opinion from the Court as to the international status of the territory, as to whether the Union Government had an international obligation with respect to the territory, and whether the Union government was competent alone to change the status of the territory. Mr. Gerig then summarized the opinion of the Court. In part, the Court had said that the mandate agreement continued to be in existence and had indicated that reports should be submitted to the United Nations, which was competent to examine reports and petitions, and that machinery for the examination of such reports and petitions should follow as closely as possible the procedures of the League of Nations.

Mr. Gerig stated that the real issue before the Fourth Committee would be the acceptance of the Court's opinion on the status of Southwest Africa. This would then give rise to a second question as to the amount of pressure to be brought against the Union Government to accept the opinion and to act in accordance with it. We had discussed

the matter in some detail with representatives of South Africa, who had informed us that while they did recognize their international responsibility for the territory and were prepared to enter into a limited agreement with the United Nations which would cover various points (except for reports and petitions), these would be incidental to their main undertaking before the United Nations, supervision of the territory with the interests of the natives in mind. They had indicated they could not accept an annual debate based on reports of the territory, because they knew the result would be heated discussion of race relations and other strictly domestic matters.

Mr. Gerig commented that, unfortunately, there had been an election recently in South Africa, and contrary to the advice of various governments, including the United Kingdom, the status of Southwest Africa had been made a major political issue. The Malan Government had actually won the election by substantial majorities, and it would be difficult for it to make any reversal of the announced position on Southwest Africa since the election had been won squarely on that issue.

Mr. Gerig indicated that the main question was as to the form of the draft resolution which should be submitted to the Committee. He recalled that the Delegation had previously decided that if the Union Government expressed willingness to submit reports, we should support a resolution to that effect. Since the Union was unwilling to do this, that alternative was out of the question. The second alternative had been that if they would not submit reports, we should support any resolution which would strongly urge them to carry out the Court's opinion. The Delegation had also agreed that we should support a resolution expressing regret that the Union Government was not accepting the opinion of the Court by its refusal to submit reports. He explained that the question would arise in the Committee in terms of the full acceptance of the Court's opinion, or, alternatively, provision for some form of consultation in order that the Court's opinion might ultimately be implemented. A little time would be needed for negotiations to take place because the political situation was such that South Africa could not accept at this time a requirement to report on the territory, but it might if given a few months to work out details. He recalled that the Department had recommended that the Union Government might be invited to enter into negotiations with a small committee on the procedure to be followed. Perhaps in these circumstances a year would suffice to work out the difficulty. However,

such a long delay would not be agreeable to India, which would like to set a date about six months in the future which would, in fact, be an ultimatum for the submission of reports.

Mr. Gerig called attention to the first alternative set forth in the Department's telegram of instruction, Gadel 125 of November 17. Under this alternative the Union would be invited to enter into negotiations with the United Nations concerning steps to be undertaken to implement the Court's advisory opinion and a committee would be established, to be composed of certain states, which committee would report to the next session of the General Assembly. Mr. Gerig thought it might be necessary for us to co-sponsor a resolution of this type. We might be joined by such states as Argentina, the Dominican Republic, Denmark, Canada or New Zealand, Egypt or Iraq, and Thailand or the Philippines. One problem would be to keep India off the list of co-sponsors, since the Union Government would find difficulty in accepting any resolution with which India was associated.

Mr. Gerig then called the Delegation's attention to the unnumbered document in its collected papers which was a United Kingdom draft resolution.¹ He explained that the Union had seen this draft and had grudgingly agreed to abstain on it. He called the Delegation's attention to paragraph 2 of the draft resolution, which stated that the Assembly "accepts" the advisory opinion of the Court and "commends" to the Union Government the acceptance thereof as the basis for its future action with respect to the territory of Southwest Africa. This draft also did not state specifically that the Union should submit reports on the territory, although the idea would be included by implication. A special committee would be set up to negotiate with respect to this matter. Mr. Gerig inquired whether this particular variation from the recommendation from the Department would cover our position adequately. He explained that the draft would be presented informally to a small group of friendly states which might co-sponsor it.

Ambassador Austin inquired whether there was any point with respect to co-sponsorship and particularly whether, even if this draft were satisfactory, it was necessary for the United States to co-sponsor. Mr. Gerig explained that other delegations had informed us that if we did not co-sponsor, an Indian resolution would carry from which there would be no result.

Senator Cooper believed that the United States was in a difficult position on this case. In the Fourth Committee we were practically in

¹ See text of draft resolution in USUN's telegram Delga 335, November 23, *supra*.

a middle position in every issue, although both sides seemed to like our position. In this particular case, the Court had now given its opinion. As he saw it, there were two factors to be taken into account. This was not a question like that of the treatment of Indians in the Union of South Africa. The area here was not within the Union but was more comparable to a trust territory inasmuch as it was the only remaining former mandate not now under trusteeship or independent. It had been partly our influence which had gotten the reference of the various questions to the International Court last year. For this reason he thought we should not compromise in any respect as regards the opinion of the Court but should stand firmly upon its decision. That was the basis of his objection to the British resolution, which first said that the United Nations accepted the opinion of the Court and then in the next phrase simply commended it to the Union's consideration. The second question was one of the means to bring about the objectives and to implement the Court's opinion. He thought there was real merit in the idea of appointing a committee to try to find out whether anything could be worked out with the Union Government. Even in these negotiations, he did not think we should compromise our position as outlined by the Court. He did not like the British draft for these reasons.

Ambassador Austin inquired whether Senator Cooper supported the first alternative set forth in Gadel 125. Senator Cooper indicated that he favored this alternative, which he considered as the most practical means of reaching a solution.

[Here follows further discussion in which the Delegation accepted paragraphs (4) and (5) of Gadel 125 as the basis for the United States position. It was agreed further that Senator Cooper should negotiate in the Fourth Committee for an appropriate text on this basis and for cosponsorship with other delegations but that such a draft resolution should not in any way compromise the principles laid down by the International Court of Justice in its advisory opinion.]

320/11-2750 : Telegram

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

RESTRICTED

NEW YORK, November 27, 1950—6 p. m.

Gadel 144. Dept authorizes del co-sponsor with UK draft res SW Afr contained Delga 335, Nov. 23 with substitution fol paras for paras No. 2 and 3 Delga 335:

"Accepts the advisory opinion of the ICJ with respect to South West Africa,

"*Recommends* to the Govt of the Union of So Afr that it take the necessary steps to give effect to the opinion of the Court,

"*Invites* the Union of So Afr to confer with the UN concerning the arrangements necessary to implement the advisory opinion of the Court regarding the international status of SW Afr and for this purpose establishes a comite composed of (President Entezam, Chairman of Comite 4 and the SYG) which shld submit a report thereon to the next regular session of the GA."

Del may insert para 1 of US draft Gadel 125 and widen composition of Comite if considered necessary to obtain passage res.

ACHESON

320/11-2950 : Telegram

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

SECRET PRIORITY NEW YORK, November 29, 1950—4:52 p. m.

Delga 345. Following are Delga decisions November 29:

1. *Southwest Africa:*

Draft resolution (Gadel 144, US/A/2921) presented to Del. It was explained attempt would be made to obtain disinterested cosponsors, including Canada or Australia but not UK, Peru, Argentina, Norway, Denmark and Iraq, and if del concurred, Department had authorized us to cosponsor. View was expressed that suitable Asiatic state, perhaps Philippines, Thailand or Burma, should be added to cosponsors. It was suggested paragraph 4 should be drafted in somewhat stronger terms, with substitution of verb such as "urges", "calls upon" or "requests" for "recommends", inasmuch as paragraph 3 accepted ICJ opinion and use of "recommend" in paragraph 4 seemed to imply Union enjoyed some option as to action re ICJ opinion. It was agreed US should support and cosponsor draft resolution, with change of verb paragraph 4 as proposed, choice of verb to depend upon developments in negotiations, and that attempt should be made to obtain Asian cosponsor. Senator Cooper remarked in his view two most important points were (1) that we should fully support implementation ICJ opinion; and (2) last paragraph resolution should clearly refer to methods of implementing rather than question whether it should be implemented.

[Here follows résumé of Delegation discussion of two other agenda items.]

Editorial Note

As a result of these diplomatic initiatives, agreement was reached on the text of a draft resolution on the advisory opinion of the International Court regarding South West Africa, and a joint draft resolution was submitted to the Secretariat for Fourth Committee consideration on November 30. Denmark, El Salvador, Iraq, Norway, Peru, Thailand, the United States, and Venezuela were the cosponsoring states. For official text, see GA (V), *Annexes*, volume I, fascicule on agenda item 35, pages 1 and 2. In the event, this joint draft resolution was never considered by the Committee.

For texts of draft resolutions submitted by other states on this matter, and also on the question of the application of the international trusteeship system to South West Africa, a résumé of the Fourth Committee's deliberations on these resolutions, and the texts of the two resolutions accepted by the Committee on December 4 and 5, see *ibid.*, "Report of the Fourth Committee," pages 3 ff. The resolutions endorsed by the Committee were based substantially on the texts described in footnote 2, page 492, although the sponsorship changed. The text of the Committee-approved resolution on the implementation of the advisory opinion is printed *infra*.

For the summary records of the meetings of the Fourth Committee for the period of its consideration of the South West Africa resolutions, November 30–December 5, see United Nations, *Official Records of the General Assembly, Fifth Session, Fourth Committee*, pages 319 ff.

IO Files : US/A/C.4/201

United States Delegation Working Paper

[NEW YORK,] December 7, 1950.

QUESTION OF SOUTH-WEST AFRICA

ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE

DRAFT RESOLUTION ADOPTED AT THE 196TH MEETING¹ ON

4 DECEMBER 1950²

The General Assembly,

Considering that the General Assembly by its resolutions 65 (I) of 14 December 1946, 141 (II) of 1 November 1947, 227 (III) of 26 November 1948 and 338 (IV) of 6 December 1949 recommended that the

¹ Of the Fourth Committee.

² In official nomenclature this resolution became known as Draft Resolution I. The resolution on application of the international trusteeship system to South West Africa was adopted on December 5 and was styled Draft Resolution II.

Mandated Territory of South-West Africa be placed under the International Trusteeship System and urged the Government of the Union of South Africa to submit a trusteeship agreement for the Territory,

Considering that the International Court of Justice, duly consulted by the General Assembly pursuant to resolution 338 (IV) of 6 December 1949, reached the conclusion that the Territory of South-West Africa is still a Territory under the international Mandate assumed by the Union of South Africa on 17 December 1920,

Considering that the International Court of Justice is of the opinion that the Union of South Africa acting alone is not competent to modify the international status of the Territory of South-West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations,

Considering that the International Court of Justice is of the opinion that the Union of South Africa continues to be subject to the international obligations laid down in Article 22 of the Covenant of the League of Nations and in the Mandate for South-West Africa,

Considering that the International Court of Justice is of the opinion that the functions of supervision over the administration of the Territory of South-West Africa by the Union of South Africa should be exercised by the United Nations, to which the annual reports and the petitions should be submitted,

Considering that the International Court of Justice is of the opinion that the Union of South Africa continues to be subject to the obligation to transmit petitions from the inhabitants of the Territory of South-West Africa,

Considering that, in accordance with the opinion of the International Court of Justice, the Union of South Africa is under an obligation to accept the compulsory jurisdiction of the Court as provided by Article 37 of the Statute of the International Court of Justice, by Article 80, paragraph 1, of the Charter of the United Nations and by Article 7 of the Mandate for South-West Africa,

1. *Declares* that it is incumbent upon the Government of the Union of South Africa, pending the determination of the future status of South-West Africa by agreement between the Union of South Africa and the United Nations, to promote to the utmost in the administration of the Territory the material and moral well-being and social progress of its inhabitants as a sacred trust of civilization, subject to the existing Mandate, and to give effect to the obligations which it assumed under the Mandate;

2. *Requests* the Government of the Union of South Africa to submit to the United Nations, before 1 June 1951, a report on the administration of the Territory of South-West Africa during the years 1947, 1948, 1949 and 1950 in accordance with the questionnaire adopted by

the Permanent Mandates Commission of the League of Nations and also, in due course, reports relating to the subsequent years;

3. *Requests* the Government of the Union of South Africa to transmit to the Secretary-General, with such additional observations as it may deem necessary, all petitions relating to the Territory of South-West Africa;

4. *Establishes* a Commission for South-West Africa to assist the General Assembly in the consideration of the annual reports, petitions and all other matters relating to the Mandated Territory of South-West Africa in accordance with the following instructions and procedures which the General Assembly laid down in the exercise of its functions of control over the administration of South-West Africa:

(a) The Commission for South-West Africa shall be composed of ten experts appointed on the basis of their qualifications and expert knowledge by*

(b) The Commission for South-West Africa shall hold the meetings necessary for the accomplishment of its task; it shall meet at such time and place as may be determined by the Secretary-General;

(c) The Commission for South-West Africa shall decide upon its own rules of procedure and for that purpose shall, as far as possible, follow the procedure adopted in that matter by the Permanent Mandates Commission of the League of Nations for consideration of reports and petitions;

5. *Invites* the Government of the Union of South Africa to designate a duly authorized representative who should be prepared to offer to the Commission for South-West Africa any supplementary explanations or supplementary information as the Commission may request;

6. *Recommends* that the Commission for South-West Africa should submit annual reports to the General Assembly for consideration. Such reports shall contain an analysis of conditions in the Mandated Territory and observations, conclusions and recommendations regarding the fulfilment by the Mandatory Power, of the obligations set forth in the Mandate. The Commission shall advise the Assembly on all matters relating to South-West Africa, and perform such other functions as may be entrusted to it by the General Assembly.

*After adoption of the resolution the countries will be chosen by the Fourth Committee on the basis of equitable geographical distribution. [Footnote in the source text.]

320/12-650 : Telegram

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

RESTRICTED

WASHINGTON, December 6, 1950—6 p. m.

Gadel 167. For Gerig. Dept authorizes USDel to join other sponsors in re-submission draft res on SWAfr to GA. At dls discretion and

if it considers necessary to obtain approval GA, del is authorized add following para to res: "Authorizes the said comite as a provisional measure also to examine any reports or petitions which may be submitted before the Sixth Session of the GA in accordance with the procedure of the former Mandates System."¹

ACHESON

¹ For text as resubmitted, see p. 507.

320/12-850: Telegram

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

SECRET

NEW YORK, December 8, 1950—7:23 p. m.

Delga 392. . . . South West Africa. Delegation reviewed position US should take in plenary. It was agreed we should seek defeat resolution recommended by Committee 4 (US/A/C.4/201) and offer substitute resolution (US/A/C.4/202).¹ Point was made Union would like nothing better than adoption Committee 4 resolution which would give it excuse to do nothing, whereas substitute resolution gave promise of concrete results and appeared to have reasonable chance of obtaining required two-thirds majority following defeat of committee resolution.

AUSTIN

¹ For Doc. US/A/C.4/201, see p. 503. Doc. US/A/C.4/202 is not printed; for the later and final text of the substitute resolution, see p. 507.

320/12-1150: Telegram

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

CONFIDENTIAL PRIORITY WASHINGTON, December 11, 1950—6 p. m.

Gadel 175. Dept authorizes USDel abstain in plenary on res urging So Afr submit trusteeship agreement [Draft Resolution II]. Del may explain abstention on fol grounds in its discretion: that although US has always favored placing SWA under trusteeship, several previous res this subject sufficient to indicate GA desire SWA trusteeship if So Afr wishes modify present mandate by such means. Furthermore, 4th preambular para might be interpreted as calling in question ICJ opinion regarding (a) relationship between trusteeship system and mandates system and (b) legal obligations So Afr re trusteeship submission. 2nd operative para might be interpreted as expressing GA

view that trusteeship only possible means of modifying international status SWA, whereas other means open with consent of UN.

ACHESON

320/12-1250 : Telegram

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

RESTRICTED

NEW YORK, December 12, 1950—9:52 p. m.

Delga 424. South West Africa. Following is text resolution introduced plenary today by Brazil, Denmark, Peru, Syria, Thailand, U.S.:

"The GA,

"Considering that the International Court of Justice, duly consulted by the GA pursuant to Resolution 338 (IV) of December 6, 1949, reached the conclusion that the territory of Southwest Africa is a territory under the international mandate assumed by the Union of South Africa on December 17, 1920,

"Considering that the International Court of Justice is of the opinion that the Union of South Africa continues to have the international obligations laid down in Article 22 of the Covenant of the League of Nations and in the mandate for Southwest Africa,

"Considering that the International Court of Justice is of the opinion that the functions of supervision over the administration of the territory of Southwest Africa by the Union of South Africa should be exercised by the UN, to which the annual reports and the petitions from the inhabitants of the territory are to be submitted,

"Considering that, in accordance with the opinion of the International Court of Justice, the Union of South Africa is under an obligation to accept the compulsory jurisdiction of the Court as provided by Article 37 of the Statute of the International Court of Justice, by Article 80, Paragraph 1, of the Charter of the UN and by Article 7 of the mandate for Southwest Africa,

"Considering that the International Court of Justice is of the opinion that the Union of South Africa acting alone is not competent to modify the international status of the territory of Southwest Africa, and that the competence to determine and modify the international status of the territory rests with the Union of South Africa acting with the consent of the UN,

"Considering that the Government of the Union of South Africa should continue to administer the territory of Southwest Africa in accordance with the mandate conferred by the principal Allied and

Associated powers upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa,

"Considering that it is incumbent upon the Government of the Union of South Africa to promote to the utmost in the administration of the territory the material and moral well-being and social progress of its inhabitants as a sacred trust of civilization, subject to the existing mandate, and to give effect to the obligations which it assumed under the mandate;

"1. *Accepts* the advisory opinion of the International Court of Justice with respect to Southwest Africa;

"2. *Urges* the Government of the Union of South Africa to take the necessary steps to give effect to the opinion of the Court, including the transmission of reports on the administration of the territory of Southwest Africa and of petitions from the inhabitants of the territory;

"3. *Establishes* a committee of five consisting of the representatives of Syria, Thailand, Denmark, US of America and Uruguay, to confer with the Union of South Africa concerning the procedural measures necessary for implementing the advisory opinion of the International Court of Justice;

"4. *Authorizes* the committee, as an interim measure, pending the completion of its task referred to in paragraph 3, to examine in accordance with the procedure of the former mandates system, the report on the administration of the territory of Southwest Africa, covering the period since the last report, as well as petitions and any other matters relating to the territory that may be transmitted to the SYG, and to submit a report thereon to the next regular session of the GA."¹

AUSTIN

¹ This resolution was adopted as Part A of a 2-part resolution adopted by the General Assembly on December 13, after the Assembly had rejected the Draft Resolution I recommended by the Fourth Committee. This reversal in plenary of a Committee-recommended draft was unusual.

At the same time, however, the General Assembly approved the Fourth Committee's recommended Draft Resolution II on the application of the international trusteeship system to South West Africa, after defeating a Soviet amendment offered thereon in the plenary session. This became Part B of the 2-part resolution.

For the official text of this 2-part resolution, Resolution 449(V), December 13, 1950, "Question of South West Africa", see United Nations, *Official Records of the General Assembly, Fifth Session, Resolutions*, pp. 55 and 56. For the proceedings of the General Assembly on this matter, see United Nations, *Official Records of the General Assembly, Fifth Session, Plenary Meetings*, vol. I, pp. 621-623, 627-632.

HUMAN RIGHTS QUESTIONS IN THE UNITED NATIONS SETTING: UNITED STATES POSITION

Editorial Note

Several issues of importance in the broad area of human rights and social action, some with a strong political complexion, came into focus in the year 1950. Generally, these matters had a history in previous years, in the United Nations setting, and often the center of principal action was the Economic and Social Council or one of its commissions.

I. THE DRAFT FIRST INTERNATIONAL COVENANT ON HUMAN RIGHTS

IO Files¹: SD/A/C.3/137

*Department of State Instruction, to the United States Delegation to the Fifth Regular Session of the General Assembly*²

RESTRICTED

[WASHINGTON,] September 5, 1950.

DRAFT FIRST INTERNATIONAL COVENANT ON HUMAN RIGHTS

THE PROBLEM

What should be the position of the United States with respect to the draft First International Covenant on Human Rights?³

RECOMMENDATIONS

1. As a procedural matter, the United States should undertake to secure the consideration of the draft Covenant prior to the Refugee

¹ Short title for the master files of the Reference and Documents Section of the Bureau of International Organization Affairs, Department of State.

² The General Assembly was scheduled to convene at Lake Success, New York, on September 19. For information regarding the composition of the United States Delegation, see pp. 24 ff.

³ The Draft First International Covenant on Human Rights was the work of the Commission on Human Rights, one of the so-called "nuclear" commissions of the Economic and Social Council (ECOSOC). The Commission was organized in January-February 1947, and the principal achievement of its first three sessions in 1947-1948 was the drafting of the Universal Declaration of Human Rights (see footnote 2, p. 516). Concurrently, but necessarily with less attention,

Footnote continued on following page.

Convention in the Third Committee. The prior consideration of the Refugee Convention would very likely prejudice the views of other delegations against the position of the United States with respect to some aspects of the draft Covenant on Human Rights. For example, provisions on certain economic and social rights are set forth in the Refugee Convention, and the prior consideration of this Convention may result in added pressure by other delegations for the inclusion of articles on economic and social rights in the draft Covenant on Human Rights also.

2. The United States should support the recommendation of the Economic and Social Council that the draft Covenant on Human Rights be reconsidered by the Commission on Human Rights at its 1951 session and should urge that the discussion in the General Assembly concerning the draft Covenant should as far as possible be in general terms only.⁴

3. The United States should support the view that the General Assembly should adopt a resolution recommending that the Commission on Human Rights at its 1951 session take into consideration the views expressed at the 1950 session of the General Assembly and complete its consideration of the Covenant on Human Rights in order that

Footnote continued from preceding page.

the Commission had in preparation a draft covenant on human rights which unlike the Universal Declaration was to constitute an international agreement imposing legal obligations and conferring legal rights.

In the same resolution in which it accepted the Universal Declaration, the General Assembly charged ECOSOC and the Commission on Human Rights to draft a Covenant on Human Rights on a priority basis (Resolution 217 (III E), December 10, 1948). The Commission addressed itself to this task in its fifth and sixth sessions (May-June 1949 and March-May 1950, respectively). For reports of the proceedings of the Commission on Human Rights at these sessions, see United Nations, *Official Records of the Economic and Social Council, Fourth Year: Ninth Session, Supplement No. 10*, "Report of the Fifth Session of the Commission on Human Rights" (hereafter cited as ESC (IX), *Suppl. No. 10*); and United Nations, *Official Records of the Economic and Social Council, Fifth Year: Eleventh Session, Supplement No. 5*, "Commission on Human Rights Report of the Sixth Session" (hereafter cited as ESC (XI), *Suppl. No. 5*).

For the text of the draft covenant as formulated at the sixth session of the Commission on Human Rights and forwarded to the Economic and Social Council for consideration at its 11th session in July-August 1950, see *ibid.*, pp. 15 ff. For an earlier, partially annotated text, reflecting the views of certain governments on particular articles, see ESC (IX), pp. 17 ff.

⁴The original United States position at the ECOSOC session was that the Council should simply transmit the draft covenant to the fifth session of the General Assembly without substantive discussion as the matter had already been examined so exhaustively by the Commission on Human Rights (State Department instruction to the United States Delegation to the 11th session of the Economic and Social Council, Doc. SD/E/434, June 18, 1950, not printed; IO Files). ECOSOC, however, had engaged in deliberations on the substantive content of the draft articles and had recommended that the General Assembly request further examination of the draft covenant by the appropriate bodies in 1951; see below.

the General Assembly may at its 1951 session approve the final draft of this Covenant.

4. With respect to the four policy issues to be considered in the General Assembly,⁵ the United States should support the following positions:

(a) The first 18 articles of the draft Covenant are basically satisfactory. Certain drafting changes should be made with respect to certain provisions, but since a detailed consideration of each of the articles of the draft Covenant is not contemplated these should be discussed in the General Assembly only if necessary.

(b) Federal state and territories articles should be included in the draft Covenant along the lines of the proposals submitted by the United States to the 1950 session of the Commission on Human Rights.

(c) Articles on economic, social and cultural rights should not be included in the Covenant, but the United States is prepared to join with other countries in inviting the Commission on Human Rights to consider the desirability and feasibility of developing further covenants or taking other measures concerning economic, social and cultural rights.

(d) The present provisions of the draft Covenant on implementation are adequate. However, the United States should explain if necessary that it is prepared to participate in the Commission on Human Rights in the drafting of separate protocols for separate ratification with respect to the right of petition by individuals and non-governmental organizations.

COMMENT

The Economic and Social Council at its July-August 1950 session adopted a resolution recommending that the General Assembly reach policy decisions concerning four issues and to forward these decisions to the Commission on Human Rights for its consideration in redrafting the Covenant on Human Rights at its 1951 session. These four issues are: (a) the general adequacy of the first 18 articles; (b) the desirability of including special articles on the application of the Covenant to federal states, and to non-self-governing and trust territories; (c) the desirability of including articles on economic, social and cultural rights; and (d) the adequacy of articles relating to the implementation of the Covenant.

Additional comments with respect to each of the four issues follows:

(a) General adequacy of the first 18 articles.⁶

A general discussion of this issue should be sufficient. The General Assembly should agree to forward the discussion of this issue, as well

⁵ These issues had been delineated by ECOSOC at its 11th session. For an informative survey of the issues posed here, see the "Note by the Secretary-General," relating thereto, in United Nations, *Official Records of the General Assembly, Fifth Session, Annexes*, vol. II, fascicule relating to agenda item 63, pp. 3 ff. (hereafter cited as GA (V), *Annexes*, vol. II, agenda item 63).

⁶ These articles dealt with political and civil rights.

as the other three issues, to the Commission on Human Rights for consideration in its further review of the proposed Covenant at its 1951 session. A vote on this issue would not be practical without actual texts, and if texts are to be voted the General Assembly would have to undertake to redraft these articles. It does not seem feasible to vote on "the general adequacy of the first 18 articles" without a detailed consideration of the text of each of these articles. To undertake such a detailed consideration of the first 18 articles would result in a drafting session of the General Assembly with many amendments being considered. A general but full and thorough discussion of these 18 articles without a vote should be sufficient. The resolution adopted by the Economic and Social Council is intended to avoid the redrafting of the Covenant at this session of the General Assembly. The General Assembly will have a further opportunity at its 1951 session to review the Covenant submitted by the Commission on Human Rights and at that session next year it will of course vote on a particular text for each of the articles of the Covenant.

(b) *Desirability of including special articles on application of the Covenant to federal states and to non-self-governing and trust territories.* Because of the lack of time the Commission on Human Rights at its 1950 session did not consider the language which should be included in the Covenant with respect to federal states and non-self-governing and trust territories.

(1) *Federal States*

It seems to the United States that a federal state article along the lines of the United States proposal⁷ should be included in the Covenant to make it possible for federal states to ratify the Covenant. The United States is prepared to undertake obligations under the Covenant in areas appropriate for federal action but it is not in a position to undertake obligations under the Covenant beyond these areas. Although many of the obligations of the Covenant are within the scope of federal action, some of them are not. With respect to the latter, the Federal Government of the United States upon its ratification of the Covenant is prepared to bring these matters to the attention of the appropriate authorities of the local States at the earliest possible moment with a favorable recommendation.

(2) *Non-Self-Governing and trust territories*

The proposal of the United States referred to above for a territories article in the Covenant was submitted to the Commission on Human Rights at its 1950 session to meet two opposing views in the Commission, one view being led by the USSR and the Philippines that the Covenant should be automatically applicable to all the territories of a country upon its ratification or

⁷ The United States had insisted on a federal-state article from the beginning; see ESC (IX), *Suppl. No. 10*, p. 26.

accession to the Covenant and the other view being led by the United Kingdom and France that the Covenant should be extended to the territories of a country ratifying or acceding to the Covenant at the option of that country. The United States proposal would retain the optional feature urged by the United Kingdom and France, but would add to it the obligation to take the necessary steps as soon as possible to extend the application of the Covenant to the territories of that country subject, where necessary for constitutional reasons, to the consent of the Governments of such territories. France expressed its acceptance of this United States proposal at the 1950 session of the Commission on Human Rights. Discussions are proceeding with the United Kingdom as to its views. At discussions relating to other United Nations conventions, the United Kingdom has expressed its acceptance of a United States proposal along these lines. It is unlikely that the Communist bloc will accept this proposal. It is also unlikely that the Philippines and certain other non-administering countries will accept the language submitted by the United States. It is, however, language that is far more acceptable to the United States than the original proposals of the United Kingdom and France, and at the same time it is designed to meet the problems of such countries relating to the application of the Covenant to certain of their territories. The United States should explain that it will vote for this proposal, but it need not press for its acceptance by other delegations.

As far as the United States is concerned, we do not need a territories article in the Covenant. When the United States ratifies the Covenant, it is expected that the United States will, following its normal practice, at the same time make the provisions of the Covenant applicable to its territories. We do not need to secure the consent of our territories prior to the extension of the provisions of the Covenant to them.

(c) *Desirability of including articles on economic, social and cultural rights.*⁸

The United States is particularly anxious for the reasons set forth below, that additional articles not be included in the Covenant on Human Rights. The United States is prepared, however, to join with other countries in inviting the Commission on Human Rights to consider the desirability and feasibility of developing further covenants

⁸ The initial proposals for such articles were made by Australia and the Soviet Union at the fifth session of the Commission on Human Rights (May-June 1949). The United States position on this matter was formulated in December, 1949, as follows:

"II. *New Articles*

"Many of the proposals submitted by Australia and the USSR . . . deal with subjects which, in keeping with the spirit and intent of the Universal Declaration of Human Rights, would lend themselves to incorporation in international agreements 'to secure their universal and effective recognition and observance'. Depending upon the subject matter to be dealt with, such agreements, in these fields might take the form of separate, detailed conventions or of additional articles incorporated in later, separate protocols to the International Covenant

Footnote continued on following page.

or taking other measures concerning economic, social and cultural rights as well as other categories of rights in the civil and political field.

The articles now in the draft Covenant on Human Rights represent the result of three years of intensive work on this document by the Commission on Human Rights. The substantive provisions of this Covenant have been circulated twice to Member Governments of the United Nations for comment, once in 1947 and again in 1949. The Commission at its 1948 and 1950 sessions considered these comments of Member Governments in connection with its revision of the articles of the Covenant. The Covenant should accordingly be completed along the lines of its present provisions without the addition of other articles.

The United States supported the view expressed in the Commission on Human Rights at its 1950 session as embodied in a resolution adopted by the Commission that the Commission should consider at its 1951 session additional articles proposed to the Commission and

Footnote continued from preceding page.

on Human Rights. [A footnote at this point in the source text reads: "The subject of trade union rights is of course already provided for in Article 19 of the draft Covenant."]

"The United States believes, however, that the drafting of articles dealing with the types of subjects covered in many of the Australian and USSR proposals should be undertaken only after the most careful consideration and the fullest possible exploration, especially in the light of the differing levels of economic and social development attained or attainable in each of the Member States, of what provisions can, with any degree of feasibility and efficacy, be included in such agreements. Such consideration and exploration will take considerable time.

"The Commission has already devoted several years to the development of the articles in the draft Covenant. To undertake, at this time, the consideration, exploration and drafting of articles dealing with many of the subject matters dealt with in the new articles proposed by Australia and USSR would, in the view of the United States, seriously hamper the completion of the Covenant at the next session of the Commission. It is important, the United States feels, that every possible effort should be made for the completion of the Covenant at the next session of the Commission in order that the draft Covenant may be forwarded to the Economic and Social Council in time to enable the Council to submit the draft covenant to the General Assembly for its consideration at its fifth (1950) session.

"However, in order that there may be the speediest possible progress made in the progressive developments of such international agreements as may be found feasible of being undertaken to secure the universal and effective recognition and observance of the human rights set forth in the Universal Declaration, the United States proposes that the Commission, at its next session, begin the exploration of the extent to which it would be feasible to include in subsequent conventions or protocols matters dealt with in the Universal Declaration but not to be included in the initial covenant on human rights. It is the feeling of the United States, that, in the course of such exploration, the Commission not only should consider carefully the report of the Secretary-General undertaken, pursuant to the Commission's resolution at its fifth session, with respect to the activities of other bodies of the United Nations and the specialized agencies in matters within the scope of Articles 22-27 of the Universal Declaration but also should obtain the views of and the facts available to such bodies and agencies bearing upon the measures which may, in the light of economic development among the Member States, be undertaken with respect to these matters."

(IO Files, 6th Session of the Commission on Human Rights, U.S. Delegation—Position Book, Tab A, Doc. SD/E/CN. 4/44, not printed)

proceed with the consideration of additional covenants and measures dealing with economic, social, cultural and political and other categories of human rights. It was made expressly clear in this resolution that the Covenant on Human Rights is in essence only one of a series of covenants and measures proposed to be adopted in the field of human rights. The Economic and Social Council on August 9, 1950 approved this resolution. It does not seem advisable nor feasible to undertake to include all possible rights in this one Covenant. To do so would prejudice the completion and adoption of this first of a series of covenants and measures in the field of human rights.

(d) Adequacy of articles relating to implementation of the Covenant.

The present provisions of the draft Covenant on Human Rights concerning its implementation seem adequate to the United States, and the United States has no changes to propose with respect to these provisions (Article 19 to 41). These articles authorize only States Parties to the Covenant to file complaints with respect to violations. Proposals to include provisions in the Covenant to extend the right to complain to non-governmental organizations and individuals were rejected by the Commission. The recommendation of the Commission on Human Rights to limit the right to complain with respect to violations of the Covenant to only States Parties to the Covenant should be supported in the General Assembly, and the provisions of the Covenant should not be modified to extend this right to non-governmental organizations or to individuals.⁹

It seems to the United States that the carefully prepared provisions on implementation in the draft Covenant should be supported in the General Assembly without change.

It will be a considerable step forward in the field of human rights when this draft of the Covenant on Human Rights is approved by the General Assembly even without the inclusion of provisions on the right of complaint by individuals and non-governmental organizations. In any event it is expected that the Commission on Human Rights will at later meetings of the Commission undertake the drafting of proposals on the right of complaint or petition by individuals and non-governmental organizations. The United States has consistently indicated in the Commission on Human Rights its willingness to participate in such an undertaking. Accordingly, the United States may support in the General Assembly a proposal that the Commission on Human Rights study further the question of the implementation of the Human Rights Covenant including the filing of petitions by individuals and non-governmental organizations. Any text on this subject prepared in the Commission on Human Rights should be drafted in separate protocols for separate ratification by States prepared to ratify them and not be an integral part of the Covenant itself in order

⁹ From the beginning the United States held to the "only States Parties to the Covenant" principle. It was incorporated into the draft articles formulated at the fifth session of the Commission on Human Rights at the instance of the United States and the United Kingdom, jointly. Provision was made for a rather elaborate complaints procedure for utilization by "States Parties," centering on a Human Rights Committee. See ESC (IX), *Suppl. No. 10*, p. 48 and articles 19-41 of the draft text prepared at the sixth session of the Commission on Human Rights (ESC (XI), *Suppl. No. 5*, pp. 18 and 19).

that States not prepared to accept the right of complaint or petition by individuals and non-governmental organizations at this time will be able to ratify the Covenant itself with its present provisions on its implementation.

IO Files: US/A/M (Chr)/135

Minutes of the Briefing Session of the United States Delegation to the General Assembly, Washington, September 8, 1950, 10 a. m.

SECRET

Representatives and Alternate Representatives:

Ambassador Austin
Mrs. Roosevelt
Senator Sparkman
Senator Lodge
Mr. Dulles
Mr. Cohen
Mr. Cooper
Mrs. Sampson
Members of the Staff

[Here follows discussion of prior agenda items.]

5. *Human Rights Covenant* (SD/A/C.3/137)¹

Mr. Simsarian explained that the Human Rights Covenant was the second step in the human rights program coming out of the Human Rights Commission to the General Assembly. In 1949 [1948] the Assembly had adopted the Declaration of Human Rights;² the Covenant had then been developed. He noted that Mrs. Roosevelt represented the United States on the Commission and had served as its chairman.

Mr. Simsarian drew the Delegation's attention to the text of the Covenant. It was different from the Declaration of Human Rights in two respects: first, in the character of the document—the Declaration had been a statement of objectives, and the Covenant had been drafted in the form of a binding treaty; second, in the case of the Covenant only a limited number of rights were covered—fundamentally the same area as that included in the United States Constitution's Bill of Rights. The Covenant was the result of four years of work. The Department considered the Covenant to be in fairly satisfactory form, particularly since the form of its drafting fitted into our constitutional system. We were satisfied that the area which it covered was practical,

¹ *Supra.*

² For text of the Universal Declaration of Human Rights, see General Assembly Resolution 217 A (III), December 10, 1948, United Nations, *Official Records of the General Assembly, Third Session, Part I, Resolutions*, pp. 71 ff.

since loose language covering economic and social rights had been excluded. Simple machinery for implementation had been provided. The Draft Covenant had been sent by the Commission to the Economic and Social Council which decided that further work should be done on it by the Commission. The United States had felt it was ready for final action, but other members favored further review, apparently because they felt particular articles should be changed; we had agreed to go along in supporting the Economic and Social Council recommendation for further work. This would give opportunity for further improvement, and we would continue our educational program respecting the Covenant.

Ambassador Austin inquired whether the federal-state element would cause a problem. Mr. Simsarian explained that the Human Rights Commission had not decided this issue, which had been held in abeyance for Assembly discussion, though considerable support for such an article was indicated in the Council discussions.

Mr. Simsarian indicated that four questions had been raised by the Economic and Social Council. No general debate was expected. The first question related to the general adequacy of the first eighteen articles; we were generally satisfied, subject to the requirement that the federal-state article be included in order to limit our obligation to areas appropriate to federal action. The second question was the formulation of the federal-state clause. The third question was whether additional articles should be included. The fourth question involved creation of international machinery for consideration of complaints regarding breaches of the Covenant; we believed the present machinery was adequate. Consultations were proceeding with other governments. We were anxious that our participation in support of the Covenant be understood in the Assembly, and we would make clear our willingness to participate in the development of other documents in the field.

Mrs. Roosevelt noted that the question of the federal-state clause, and of the colonial clause had both come up. We had proposed the federal-state clause, and the United Kingdom had proposed a colonial clause which was the weakest ever submitted. This had resulted in a long argument, and the proposals had been simply put on the record, since it was known that in both the Economic and Social Council and the Third Committee there would be detailed argument on both proposals.

Mrs. Roosevelt referred to the great disappointment of the Secretariat with the Covenant because it was so limited; some Secretariat members regarded it as so limited that it would be better to have no Covenant, and simply to go ahead with the Declaration rather than to try to put into law something which might weaken the Declaration.

She felt sure that the Secretariat influence had opposed bringing the Covenant up for final Assembly consideration. Certain non-governmental organizations, including church groups, had opposed the Covenant as inadequate, particularly because it did not allow the right of individual petition. The Secretariat, for example, insisted that international organizations should have the right to petition. The United States had felt strongly that, having no machinery for remedial action, it would be a mistake to start out in such an inefficient way. This was one reason the Covenant was being sent back, and in addition, there were certain people who wanted no Covenant at all because they would find it inconvenient to bind themselves by law. The United States, on the other hand, had honestly wanted to translate the Declaration into law, but we would prefer to see economic and social rights treated in separate protocols, to be added to the Covenant. Mrs. Roosevelt wished the Covenant might have been sent to the Assembly including both the federal-state clause and the colonial clause. While there was no loss in putting it over for another year, we would face the same arguments again.

Mrs. Roosevelt pointed out that if the United States did not ratify the Covenant, no country would. She considered that translating the Human Rights Declaration into law should be done on a limited basis at first. Mr. Cohen believed we should not press for a Covenant if we felt it would hurt the value of the Declaration; that was the feeling of a number of people because they considered not enough had been covered in the Covenant. He would prefer to have us discuss the general principles involved in this Assembly and hoped discussion of individual articles could be avoided.

Mr. Lubin noted that the Economic and Social Council resolution had made perfectly clear that no question was being raised with respect to those articles already agreed upon but that the Assembly was being asked for the answer to certain questions: the adequacy of the first eighteen articles; the federal state and colonial clauses; the desirability of including economic and social rights; the adequacy of implementation. The Council had said it liked what had been done but desired the Assembly's advice on these four points.

[Here follows further discussion of the draft covenant in which warning was voiced that there was no chance that the United States Senate would accept the covenant without the federal-state clause and that even with a federal-state clause there would be difficulties, in light of the Senate's delay in taking up the Genocide Convention (see *Foreign Relations*, 1949, volume II, page 391, footnote 1).

With the conclusion of the discussion on human rights, the Delegation's briefing continued with regard to another agenda item.]

IO Files: US/A/C.3/266

United States Delegation Working Paper

CONFIDENTIAL

[NEW YORK,] October 16, 1950.

DRAFT RESOLUTION ¹

FUTURE WORK OF COMMISSION ON HUMAN RIGHTS

The General Assembly

Appreciating the priority which, in accordance with General Assembly Resolution 217 (III), the Commission on Human Rights during its 1949 and 1950 sessions gave to the preparation of a draft International Covenant on Human Rights and measures for its implementation.

Having considered the draft Covenant prepared by the Commission on Human Rights, particularly with reference to basic policies,

1. *Commends* the Commission on Human Rights for the important work it has thus far accomplished;
2. *Calls upon* the Commission on Human Rights

A. *To continue* to give priority in its work to the completion of the draft International Covenant on Human Rights and measures for its implementation in order that the General Assembly may at its sixth session have before it for final approval the draft of this Covenant;

B. *To take into consideration* in its work of revision of the draft Covenant, the views expressed during the discussion of the draft Covenant in this session of the General Assembly;

C. *To draft* a federal state article for the consideration of the General Assembly at its sixth session;

D. *To draft* a territories article for the consideration of the General Assembly at its sixth meeting;

E. *To proceed* with the consideration of additional instruments and measures dealing with economic, social, cultural, political

¹ This draft resolution was the sole item on the agenda for the 22nd meeting of the United States Delegation on October 17. Though the meeting was of great length, there was little said about basic policy objectives that was new, and the minutes are not printed. Discussion tended to center again on the question of the need to include a federal-state clause, in light of the Senate's apparent coolness towards the Genocide Convention and its insistence earlier in including a federal-state clause in the matter of the Charter of the Organization of American States (OAS). (IO Files, Doc. US/A/M (Chr)/157)

On October 26 the three Delegation advisers chiefly concerned with the matter, Messrs. Simsarian, Pierrot, and Green, handed copies of the draft resolution to the Third Committee representatives of 24 countries. A second, slightly revised draft was circulated the following day, October 27. (IO Files, Doc. US/A/C.3/292 and Doc. US/A/C.3/295) Concurrently, the United States Delegation undertook to secure the support of certain states as cosponsors of the resolution (reference documents cited immediately above); and on November 1 it was submitted to the Secretariat for transmission to the Third Committee as a joint draft resolution sponsored by Brazil, Turkey, and the United States. For text, see GA (V), *Annexes*, vol. II, agenda item 63, p. 11.

and other human rights not included in the International Covenant on Human Rights in accordance with Resolution B adopted by the Commission on Human Rights at the 186th meeting of its sixth session and approved by the Economic and Social Council at its eleventh session;

F. *To take such additional steps* as are necessary to obtain the collaboration of other organs of the United Nations and the Specialized Agencies to assist the Commission on Human Rights to obtain necessary information with respect to the economic, social, and cultural rights set forth in the Universal Declaration of Human Rights in accordance with the resolution adopted by the Economic and Social Council at its eleventh session; and

G. *To proceed* with the consideration of separate protocols for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the International Covenant on Human Rights.

3. *Requests* the Secretary-General to invite Member States to submit their views by March 1, 1951 relating to the draft International Covenant on Human Rights as revised by the Commission on Human Rights at its sixth session, in order that the Commission may have such views in its further consideration of the draft Covenant at its seventh session.

IO Files : US/A/2919

United States Delegation Working Paper

RESTRICTED

[NEW YORK,] November 29, 1950.

HUMAN RIGHTS: REPORT OF THE THIRD COMMITTEE¹

1. *Three Draft Resolutions*

The Rapporteur's report is expected to contain the following three draft resolutions adopted by the Third Committee under the item "Draft First International Covenant on Human Rights":²

A. Colonial Article in Covenant on Human Rights (A/C.3/541). [Resolution II]

B. Future Work of the Commission on Human Rights (A/C.3/544). [Resolution I]

C. Human Rights Day (A/C.3/543). [Resolution III]

¹ The Third Committee devoted 31 meetings to the consideration of the draft covenant and related subjects, from October 18 to November 17. For the record of the proceedings, see United Nations, *Official Records of the General Assembly, Fifth Session, Third Committee*, pp. 105-176, 285-288 (hereafter cited as GA (V), *Third Committee*). For the Report of the Third Committee to the General Assembly on these matters, see GA (V), *Annexes*, vol. II, agenda item 63, pp. 21 ff.; this describes in considerable detail the parliamentary evolution of these issues in committee.

² The texts of the three draft resolutions are printed at the end of the Committee Report cited above. In the plenary debate in the General Assembly that followed, these came to be designated as Resolution I, Resolution II, and Resolution III in the order indicated in brackets.

2. *United States Position*

A. The United States should vote against the resolution requesting the Commission on Human Rights to include an article in the Covenant on Human Rights requiring the application of the provisions of the Covenant to all territories administered by a signatory metropolitan state.

B. The United States should vote in favor of the resolution concerning the future work of the Commission on Human Rights. This resolution calls upon the Economic and Social Council to request the Commission on Human Rights to proceed with the reconsideration of the draft Covenant on Human Rights at its next session scheduled for April 1951 and to submit its recommendations concerning the draft Covenant for the consideration of the General Assembly at its Sixth Session.

C. The United States should vote in favor of the resolution inviting all States and interested organizations to observe December 10 of each year as Human Rights Day.

The United States should vote against plenary discussion of the Third Committee Report. If the General Assembly, nevertheless, decides to discuss the Report of the Third Committee, the United States should make a brief statement only with respect to the resolution on the future work of the Commission on Human Rights. This statement should be along the lines of the statement made by Mrs. Roosevelt in the Third Committee at the time she voted for the adoption of this resolution. At that time Mrs. Roosevelt pointed out that she voted for this resolution since the United States feels that it is important for the work relating to the Covenant on Human Rights to proceed as rapidly as possible. She also pointed out her concern about the practicality of including economic and social rights in the first Covenant, as called for by the resolution adopted in the Third Committee, and reserved the position of the United States on the inclusion of these rights in the first Covenant.³

3. *History in Committee*

A. The resolution concerning the application of the provisions of the Covenant on Human Rights to all territories, introduced by the Philippines and Syria, was adopted by the Third Committee by a vote of 30-11-8. The United States and other administering authorities voted negatively, with the exception of Denmark and France, which abstained.

³ For the summary record of Mrs. Roosevelt's statement, see GA (V), *Third Committee*, p. 287.

B. The resolution concerning the future work of the Commission on Human Rights, based on a Brazil-Turkey-United States text, was adopted by the Third Committee by a vote of 29-5-13, with the United States voting affirmatively. For a detailed report of the consideration of this resolution in the Third Committee, see US/A/C.3/317.⁴ The United States was defeated in its efforts to keep economic and social rights out of the Covenant⁵ and to include a clause in the resolution requesting the Commission to study the colonial article.⁶ The latter clause was in effect replaced by the resolution referred to under "A" above and by a clause in this resolution, introduced by Afghanistan and Saudi Arabia, Commission to study ways and means which would ensure the right of peoples and nations to self-determination.⁷ The United States was successful, however, in its endeavor to have the Commission requested to study a federal state article.⁸

C. The resolution concerning Human Rights Day, introduced by the United States, was adopted by the Third Committee by a vote of 44-0-4 with the United States voting in the affirmative.

⁴ Not printed. This lengthy and informative report of staff adviser James Simsarian is located in the IO Files.

⁵ The Third Committee accepted an amendment to the joint draft resolution, offered by Yugoslavia, which *inter alia* expressly stated that the General Assembly "Decides to include economic, social and cultural rights in the draft covenant on human rights. . . ." (GA (V), *Annexes*, vol. II, agenda item 63, p. 15)

⁶ The language here requires a close reading. The final resolutions actually contained two colonial articles (see the footnote that follows). The United States defeat was sustained on the proposal that the "territories articles" simply be studied by the Commission on Human Rights, which was "to prepare recommendations for consideration by the General Assembly at its sixth session." (*ibid.*, p. 11)

⁷ In the final instruments, an entirely new and separate resolution (Resolution II) was introduced which dealt exclusively with the "Territorial Application of the International Covenant on Human Rights" (resolution title) and which requested that the Commission on Human Rights include in its draft covenant the following article: "The provisions of the present Covenant shall extend to or be applicable equally to a signatory metropolitan State and to all the territories, be they Non-Self-Governing, Trust, or Colonial Territories, which are being administered or governed by such metropolitan State." (*ibid.*, p. 34) Further, the Third Committee replaced paragraph 2(d) of the joint draft resolution with a new text, offered by Afghanistan and Saudi Arabia, which called upon the Economic and Social Council "to request the Commission on Human Rights to study ways and means which would ensure the right of peoples and nations to self-determination, and to prepare recommendations for consideration by the General Assembly at its sixth session." (*ibid.*) This became section D of Resolution I.

⁸ In his analysis report for the United States Delegation, Mr. Simsarian wrote: "Several of the countries that voted in favor of paragraph 2 (c) as amended made it clear that they were not committing themselves to support the inclusion of a federal state article in the Covenant on Human Rights. They were recognizing, they explained, the validity of the argument submitted by the United States, Canada and Australia that the constitutional problem involved should be studied further by the Commission on Human Rights in order to take into account the suggestions made during the discussion of this subject in the Committee. They expressed a willingness to wait another year to reexamine this matter again." (IO Files, Doc. US/A/C.3/317)

4. *Possible Developments in the Plenary*

In view of the lengthy discussion of these three resolutions in the Third Committee and their adoption in each case by a large vote, it is not likely that any changes will be made in the resolutions in the plenary session. A majority vote is adequate for the adoption of each of these resolutions.⁹

⁹ On December 4 the General Assembly adopted the three resolutions on general human rights recommended by the Third Committee; for the proceedings, see United Nations, *Official Records of the General Assembly, Fifth Session, Plenary Meetings*, vol. I, pp. 553 ff. The discussion centered almost exclusively on Resolution I (the draft covenant); no statement was made by the United States. For official texts of the three resolutions, see United Nations, *Official Records of the General Assembly, Fifth Session, Resolutions*, pp. 42 and 43; these were Resolution 421 (V), Resolution 422 (V), and Resolution 423 (V).

Documentation on U.S. policy regarding a related question, the observance in Bulgaria, Hungary, and Romania of human rights and fundamental freedoms, is scheduled for publication in volume IV. The General Assembly adopted a resolution on this matter on November 3, Resolution 385 (V); for text, see United Nations, *Official Records of the General Assembly, Fifth Session, Resolutions*, p. 16.

II. THE DRAFT CONVENTION ON FREEDOM OF INFORMATION, AND RELATED ITEMS

IO Files : SD/A/C.3/138

Position Paper Prepared in the Department of State

RESTRICTED

[WASHINGTON, September 2, 1950.]

DRAFT CONVENTION ON FREEDOM OF INFORMATION

THE PROBLEM

What position should the United States Delegation take on the question of completing the Draft Convention on Freedom of Information at this session of the General Assembly?

RECOMMENDATIONS

(1) The Delegation should support, and if necessary initiate, a proposal to defer indefinitely the completion of the Draft Convention on Freedom of Information on the ground that Article 14 of the Draft International Covenant on Human Rights contains the essential principles of Freedom of Information in a form more likely to command widespread support at this time;

(2) If, on the basis of informal consultations, the above position does not appear to enjoy substantial support, the Delegation should support, and if necessary initiate, a proposal to postpone further consideration of this Convention until the Assembly has completed its consideration of the International Covenant on Human Rights on the ground that the nature of any specific convention in this field will

depend largely on the freedom of information provisions of the Covenant;

(3) If these proposals fail of approval and the Third Committee decides to complete the Convention at this session, the Delegation should make every effort, if possible with the concurrence of the United Kingdom which originally sponsored this Convention, to secure approval of the suggested modifications in the present text which are described as "essential" in the *Background Paper* on this subject¹ and should support the Assembly's draft only if these modifications are incorporated in a satisfactory form; and

(4) The Delegation should maintain this Government's position, as set forth in the previous sessions of the Assembly, that this Draft Convention is in no way directly related to the Draft Convention on the International Transmission of News and the Right of Correction. and that the latter should be opened for signature without further delay.

COMMENT

This Draft Convention was adopted by the United Nations Conference on Freedom of Information (1948) by a large majority, with only the Soviet bloc in opposition. The United States Delegation abstained, however, because of doubts as to the scope and meaning of several articles and because it includes unacceptable provisions concerning the right of governments to exercise wide control over freedom of information and of the press.²

As contrasted with the limited scope of the Convention on the International Transmission of News and the Right of Correction (also known as the "Newsgathering Convention"), which was adopted at the Second Part of the Assembly's Third Session but has not yet been opened for signature, the proposed Convention on Freedom of Information is of very wide scope. Whereas the "Newsgathering Convention" merely facilitates the work of foreign correspondents, as a

¹ Not found in Department of State files.

² The United Nations Conference on Freedom of Information met at Geneva, March 23-April 21, 1948 (see *Foreign Relations*, 1948, vol. 1, pp. 307 ff.) Its major achievement was the drafting of three proposed conventions: (1) the draft convention on the gathering and international transmission of news, proposed by the United States; (2) the draft convention concerning the institution of an international right of correction, sponsored by France and intended to establish a procedure under which governments may obtain publicity for official corrections of allegedly false news reports which affect their international relations; and (3) the draft convention on freedom of information, submitted by the United Kingdom and intended to provide a guarantee to the nationals of contracting states of freedom of expression as well as freedom to seek and receive information from all sources. Together with about 40 resolutions, these three conventions were incorporated into a Final Act of the Conference. For the text of the Final Act, see United Nations Doc. E/CONF. 6/79 (found in depository libraries of the United Nations), April 22, 1948. For the report of the United States Delegation, see Department of State Publication 3150, 1948.

limited group, the Draft Convention on Freedom of Information provides that contracting states shall secure to all of their own nationals and to the nationals of other contracting states who are in their territories certain broad rights to freedom of information, such as the right to seek, to receive and to impart information and opinions. It forbids contracting states to regulate the use of the media of information in any manner discriminating against its own nationals or those of other contracting states on political grounds, or on the basis of race, sex, language or religion.

At the Second Part of the Third Session, the Third Committee considered this Convention only briefly and, after adopting revisions of the first five articles, decided that it could not complete the draft at that session and recommended that it be placed on the agenda of the Fourth Session. The inconclusive decisions taken in respect to the first five articles (which are not binding on the Fifth Session) resulted in materially worsening the text from the United States point of view.³

At its Fourth Session, the General Assembly rejected proposals to complete the Convention.⁴ It recommended instead that the Commission on Human Rights "include adequate provisions on freedom of information in the draft International Covenant on Human Rights" and decided "to postpone further action on the Draft Convention on Freedom of Information to the Fifth Regular Session of the General Assembly and pending receipt of the Draft International Cov-

³ The second part of the third session of the General Assembly was held at New York, April 5-May 18, 1949. The decision to defer further consideration of the draft convention until the fourth session of the General Assembly (scheduled to meet in September of the same year) reflected the serious disagreement within the Third Committee over the proposed addition of a number of restrictive provisions to the original Geneva text. These would have greatly expanded the sphere of governmental controls over freedom of information and led the United States Delegation and others to fear that the convention, "which had been intended to guarantee freedom of information, was actually being transformed into a convention to legitimize restrictive governmental controls over this freedom." (Position Paper drafted for the U.S. Delegation to the 10th session of the Economic and Social Council, Doc. SD/E/226 [377?] January 3, 1950, IO Files)

⁴ The United States view at the beginning of the fourth session was that the draft convention on freedom of information was completely unsatisfactory and that change was absolutely essential to make it acceptable to this Government. Further, United States advisers felt that the Commission on Human Rights "would be a more advantageous battleground" than the General Assembly. (U.S. Delegation Minutes, September 19, 1949, Doc. US/A/M (Chr)/95, IO Files, not printed) Accordingly, the United States Delegation took the lead at the outset of the fourth session in sponsoring a proposal to postpone further action on the convention until the Commission on Human Rights had incorporated provisions on freedom of information in the draft first international covenant on human rights. This United States effort was successful, and the proposal for postponement pending further work on the draft human rights covenant by the Commission on Human Rights and by the fifth session of the General Assembly was incorporated into Resolution 313 (IV), October 20, 1949. For text, see United Nations, *Official Records of the General Assembly, Fourth Session, Resolutions*, p. 32.

enant on Human Rights or a progress report thereon." (Resolution 313 (IV)).

At its Sixth Session the Commission on Human Rights adopted a draft of Article 14 for the draft International Covenant on Human Rights which includes a statement of the principles of freedom of information in a form basically satisfactory to this Government.⁵

The decision to defer indefinitely the completion of the Convention is based on the strong probability that if the Convention were to be completed at this time, it would emerge in a form unacceptable to the United States and detrimental to this Government's efforts to promote world-wide acceptance of our concept of freedom of information. A Convention on Freedom of Information embodying ambiguities and restrictive provisions, such as those presently incorporated in the Conference text and others suggested during the Third Committee's inconclusive debate, would constitute a serious setback to the promotion of freedom of information by the United Nations whether or not the United States and a few like-minded countries adhered to it. It would place a United Nations stamp of approval on a number of restrictive practices which, though current in many countries, do not now enjoy international sanction. It would also threaten the successful operation of the "Newsgathering Convention" since a substantial number of countries have indicated that they would refuse to sign the "Newsgathering Convention" on the ground that the Freedom of Information Convention covers the same ground, while others have suggested that they might sign both and contend subsequently that the more restrictive provisions of the Freedom of Information Convention would constitute a limitation on the provisions of the "Newsgathering Convention".⁶

⁵ For an analysis with text of the draft human rights covenant, revised by the Commission on Human Rights at its March-May 1950 session, see Department of State *Bulletin*, June 12, 1950, pp. 945 ff. Article 14 reads:

"1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The right to seek, receive and impart information and ideas carries with it special duties and responsibilities and may therefore be subject to certain penalties, liabilities, and restrictions, but these shall be such only as are provided by law and are necessary for the protection of national security, public order, safety, health or morals, or of the rights, freedoms or reputations of others."

⁶ The so-called Newsgathering Convention actually consisted of two conventions, originally in 1948 submitted separately by the United States and France. The United States-sponsored convention was incorporated into articles 2-8, relating to the international transmission of news; and the French-sponsored convention relating to the right of correction was included in articles 9-11. There was a widespread feeling on the part of many states that the Convention as a whole conferred important benefits on the larger and established news agencies and their correspondents but did not adequately protect governments against "irresponsible reporting." Thus the General Assembly had decided: at

In taking this position, the United States Delegation will be confronted with a difficult negotiating situation since the Freedom of Information Convention appears to enjoy considerable support among a substantial group of delegations (notably France, India and several of the Middle East and Latin American delegations) which are anxious to secure international recognition of their concept of the "responsibility of the Press". It will be alleged that, having secured the adoption of the "Newsgathering Convention" (which they consider to be to the advantage of the United States), this Government is now attempting to kill the Freedom of Information Convention which more adequately meets their needs.

In answering such criticism, it should be stressed that extensive negotiations with other delegations and consultations with many governments have demonstrated that the provisions on freedom of information now included in the Draft International Covenant represent the maximum degree of international agreement now obtainable on freedom of information principles which are consistent with the traditional democratic concept of this freedom. This Government is convinced that the completion of the Draft Freedom of Information Convention at this time would only serve to grant a measure of international respectability to restrictive governmental practices which, although considered necessary by a number of governments, should not be embodied in an international convention.

This Government has become increasingly doubtful, moreover, of the desirability of attempting to include in this single convention a wide range of diverse and specialized matters. This convention would cover not only the basic civil right of freedom of expression, but also such matters as the operation of news agencies and the conduct of journalists, governmental authority to protect domestic information enterprises, economic and commercial barriers to international trade in informational materials, etc. The Draft Convention overlaps the Draft Covenant, the "Newsgathering Convention" and the UNESCO-

the second part of its third session (April-May 1949) not to open the Newsgathering Convention for signature until definite action had been taken on the Freedom of Information convention. Many delegations insisted that the two conventions were "part of one whole" and that they must stand (or fall) together. Other delegations insisted that it was necessary to establish the freedom of information convention first in order to define a "moral and political context" for the purely technical newsgathering convention. The General Assembly refused to alter this decision at its fourth session in September-December 1949, and still in 1950 the convention had not been opened for signature.

For the text of the Newsgathering Convention, see Department of State *Bulletin*, May 29, 1949, pp. 682 ff. For an exhaustive analysis of the Convention and the issues raised, see article by Samuel De Palma entitled "Freedom of the Press—An International Issue" in *ibid.*, November 14, 1949, pp. 724 ff. Mr. De Palma was the chief United States adviser to the successive United States Delegations on this matter.

sponsored agreements to facilitate the international circulation of educational, scientific and cultural materials.

It should be noted that in voting to postpone further consideration of this Convention at the Third Session of the General Assembly, the United States Delegation stated that this Government was not "maneuvering to kill the Convention" but was prepared to consider the draft at the Fourth Session and to work with delegations desirous of formulating a constructive agreement. It should be made clear that in proposing to defer indefinitely the completion of this Convention, this Government is motivated solely by the conviction (based on very extensive subsequent consultations) that a generally acceptable and constructive convention is unobtainable at this time.

If the proposal to defer the convention indefinitely does not succeed, the United States Delegation should then press for a postponement until the General Assembly has adopted a Draft International Covenant on Human Rights. A specific Convention on Freedom of Information must, of necessity, be based on the general provisions in this field incorporated in the Draft Covenant, and until those provisions have been finally adopted, it would not be feasible to complete the Convention.

If the Third Committee desires, nevertheless, to complete this Convention at this session, the United States Delegation should seek to modify the text so as to include the essential changes set forth in the *Background Paper* on this subject. Unless these changes (e.g. the elimination of several restrictive provisions, the incorporation of "federal-state" and "non-self-executing" clauses, etc.) are incorporated in a satisfactory form, the Convention would be completely unacceptable to the United States.

It should be noted that repeated attempts have been made by Lebanon, France, India and Mexico since the Third Session to keep alive the Freedom of Information Convention. They have sponsored resolutions in the Assembly (Fourth Session), the Economic and Social Council (10th Session), the Subcommission on Freedom of Information and of the Press (Fourth Session) and the Commission on Human Rights (Sixth Session) which in general urged the completion of the Convention at the next session of the General Assembly. Every such resolution has been defeated, some by a very narrow margin, except in the case of the Sixth Session of the Human Rights Commission. In that case, however, the Economic and Social Council at its recent 11th Session rejected the recommendation and thereby prevented its coming before the Assembly.

It is anticipated that those delegations which are anxious to complete the Freedom of Information Convention will again take the

position that the "Newsgathering Convention" can not be opened for signature until this Convention is completed by the Assembly. The United States Delegation should maintain this Government's position, as stated in the last two sessions of the Assembly, that the "Newsgathering Convention" is in no way dependent upon the proposed Freedom of Information Convention and that this Government can see no justification in delaying further the decision to open it for signature. The Delegation should state that the United States is prepared to sign the "Newsgathering Convention" but should not submit a proposal to open it for signature unless prior consultations indicate the likelihood of majority support.

IO Files : US/A/C.3/280

*United States Delegation Working Paper*¹

RESTRICTED

[NEW YORK,] October 18, 1950.

An informal Working Group, including representatives of India, Pakistan, Mexico, France, Lebanon, Cuba, the United Kingdom and the United States, which has been discussing the possibility of reaching agreement concerning an acceptable text of the draft Convention on Freedom of Information has now concluded that agreement on an acceptable text is not likely at this time. When the group broke off its discussions last week, the positions maintained by its various members were as follows:

1. The United Kingdom and the United States, joined at the last moment by the representative of Lebanon, took the position that further action on the draft Convention should be postponed until the General Assembly has taken definite action on the Covenant on Human Rights;

2. The representatives of France and Mexico, while admitting the impossibility of reaching agreement on an acceptable text at this time, felt that it would, nevertheless, be useful to make another formal effort to arrive at an acceptable text and were inclined to suggest either that the Assembly call upon a special Technical Conference to complete the Convention or, alternatively, that Committee 3 might appoint a Sub-Committee to spend a few days making another attempt to reach agreement. Presumably, the Cuban Delegate will favor the French-Mexican position as well as the Indian and Pakistan Delegations who were not present at the last meeting of the Group.

From the United States point of view, the Working Group discussions proved useful (1) in convincing Mr. Azkoul of Lebanon of the

¹ Circulated by Mr. De Palma to the area experts who were serving as advisers to the United States Delegation.

desirability of postponing further work on the Convention and (2) demonstrating again that the differences of opinion concerning an acceptable text are so great as to rule out the possibility of reaching agreement at this time on an acceptable compromise text.

It is suggested that Political Officers responsible for work in Committee 3 should now begin to acquaint as many other delegations as possible with the United States position. In so doing it is important to bear in mind that our position is essentially the same as the one we took last year, that it is an unpopular one, but one which other delegations reluctantly supported last year. Consequently, it will be desirable to avoid giving the impression of a United States campaign to kill this Convention. It is suggested that the matter be brought up rather casually with other delegations with no attempt to put pressure on them.

Following is a summary of the arguments which have been found most effective in persuading other delegations to support us on this matter:

1. A specific convention dealing with one of the rights to be set forth in the Covenant on Human Rights should not be completed before the Covenant itself has been agreed upon. Until there is agreement on the general provisions governing freedom of information which will be set forth in the Covenant (Article 14 in the present draft of the Covenant), it will not be feasible to agree upon the specific elements of this right which shall be guaranteed in a detailed convention. Obviously, the detailed convention should be based on accepted general principles and, therefore, we should await the completion of the Covenant before proceeding further with the Convention.

2. There is widespread disagreement concerning the provisions which should be included in the draft Convention on Freedom of Information. This disagreement was shown when the Third Committee at the Second Part of the Third Regular Session of the General Assembly gave up its attempt to complete the Convention in the midst of great confusion. Consultations with a large number of other governments since that time, and specifically the discussions held by the above-mentioned Working Group in recent weeks, have convinced us that, if anything, there is more disagreement now than there was at the Third Session. It would appear, therefore, that the calling of a special Conference or the establishment of a sub-committee of Committee 3 would not be productive of useful results.

3. Another argument, which should be used only with delegations from Western Europe, British Commonwealth and the Scandinavian countries, is that we are convinced that any Convention which can be completed at this time will restrict rather than expand the area of freedom of information. So many governments are preoccupied with considerations of national security and with ways to cope with political subversion that they would be compelled to support restrictive

modifications in the original text of this Convention. While these modifications may be valid in terms of present political realities, it would be undesirable to establish them in an international convention and thus give them a kind of permanent status and respectability which at a later time may prove undesirable.

For these reasons the United States favors the adoption of a resolution along the following lines to dispose of this item :

DRAFT CONVENTION ON FREEDOM OF INFORMATION

The General Assembly

Reaffirming its belief in the fundamental importance of freedom of information as a basic human right and as a means of furthering and protecting all other freedoms ;

Considering that in Resolution 313, of the Fourth Session, the General Assembly, decided "to postpone further action on the Draft Convention on Freedom of Information to the Fifth Regular Session of the General Assembly and pending receipt of the Draft International Convention on Human Rights or a progress report thereon";

Considering that it has been decided not to complete the Covenant on Human Rights at this Session of the General Assembly, but to request the Commission on Human Rights to consider the draft Covenant again at its next session prior to its final consideration by the General Assembly at its Sixth Session ;

Decides to postpone further consideration of the Draft Convention on Freedom of Information until it has taken definite action on the Draft Covenant on Human Rights.

IO Files : US/A/M (Chr)/170

Minutes of the Thirty-fifth Meeting of the United States Delegation to the General Assembly, New York, November 8, 1950, 9:15 a. m.

SECRET

[Here follow list of persons present (41) and discussion of a prior agenda item.]

2. *Freedom of Information*

(a) *Draft convention on Freedom of Information (SD/A/C.3/138).*

Mr. DePalma explained that this item had been held over from two previous Assembly sessions.

[Here follows explanation of the situation regarding the draft convention, in terms of Doc. SD/A/C.3/138. It was pointed out that the United States had been successful at the previous (fourth) session of

the General Assembly in getting action deferred on the draft convention, in the hope that "adequate provisions" on freedom of information would be written into the Human Rights Covenant. As action on the draft covenant on human rights was now being delayed at the current General Assembly session, the freedom of information issue was back exactly where it was "two years ago" (at the first part of the third session of the General Assembly, September-December 1948).]

. . . There was still a great deal of disagreement as to what should be included in the Convention. Very few states actually were anxious to complete the Convention; a number wished to bury it but were not willing to take the initiative. We would have to take this initiative unless we wanted to run the danger of action at this session. Mr. DePalma pointed out that the contemplated Convention would restrict rather than promote, freedom of information. Under existing international circumstances, governments were thinking in terms of restrictions.

There were no questions from members of the Delegation. Mrs. Roosevelt asked whether all agreed on the policy recommended by the Department in this case, first, to try to see whether the other members were willing to wait until the Covenant was completed before action was taken; or if that did not succeed, second, to try to get the best possible amendments to the present Convention. There were no objections.

(b) *Freedom of information and of the press in times of emergency* (SD/A/C.3/135).¹

Mr. DePalma explained that this was a resolution adopted by the Economic and Social Council asking governments in a state of emergency not to impose severe restrictions on freedom of information. The resolution was a rather innocuous one, but certain states liked it and thought it had some relevance. Our recommended position was to support the resolution. Mr. Cohen thought we should support this draft. There was some merit in calling this matter to the attention of countries now who had to take restrictive measures in self-defense. There were no objections to the recommendation that the United States should support this resolution.

(c) *Soviet interference with radio broadcasts* (SD/A/C.1/136).²

Mr. DePalma explained that this resolution had been supported by the United States member of the Commission on Freedom of Information. It was directed at the Soviet Union and its interference with the Voice of America and the BBC. The resolution constituted a find-

¹ Not printed.

² Not printed. Additional documentation on this subject is scheduled for publication in volume IV.

ing that such interference was going on and that Soviet nationals were being denied their right to listen. It condemned such interference and called upon governments to refrain from it. In the Economic and Social Council there had been a feeling that the statement should not specify Soviet responsibility, and the language had been changed to refer to "certain countries." We had protested because we had had only the Soviets in mind; though Spain did jam international broadcasts off and on, only the Soviets did it systematically. We had not been able to retain the original language.

Our position was to support this resolution strongly. In our statement we would summarize the Soviet interference, and then place major emphasis upon the fact that this policy denied the people of the Soviet Union their right to listen to news. We would not emphasize the difficulty of this policy as it affected the Voice of America and the BBC. We might encounter some difficulty in keeping this issue clear because the Soviets would try to emphasize the confused situation in Europe which arose out of a certain difficulty with respect to the allocation of radio frequencies. We were using frequencies in Germany which the Russians claimed, for example. The Soviets might possibly raise these technical issues. We would try to stop this and would argue that this was a technical problem for consideration in the ITU, which there was no point in raising here. He noted that the Soviets had failed to attend the last meeting of the ITU. In response to a question from Mrs. Roosevelt, Mr. DePalma indicated that the recommendation was to support the resolution in its present text, with the reference to "certain countries" in order to avoid confusing the issue in any way. Mrs. Roosevelt felt there was some advantage in any case in having the reference in the resolution somewhat wider.

[Here follows further brief discussion of the matter.]

IO Files : US/A/2911

United States Delegation Position Paper

RESTRICTED

[NEW YORK,] November 28, 1950.

FREEDOM OF INFORMATION: REPORT OF THE THIRD COMMITTEE¹

The Third Committee adopted three resolutions under the above agenda item. A separate position paper is attached on each resolution.

¹ For the Report of the Third Committee on the three freedom of information items, see United Nations, *Official Records of the General Assembly, Fifth Session, Annexes*, vol. I, fascicule relating to agenda item 30, pp. 5 ff. Relevant documentation concerning the legislative history of the items is printed in this fascicule.

The United States should vote against plenary discussion of the Third Committee report. If there is discussion, it will not be necessary for the United States to make a statement on any of the resolutions.²

[Attachment 1]

United States Delegation Position Paper

FREEDOM OF INFORMATION: INTERFERENCE WITH RADIO SIGNALS

1. *United States Position*

The United States should vote in favor of the resolution as adopted by the Third Committee. Although the original text of the Economic and Social Council has been modified by the addition of language which is not strictly relevant to the basic intent of the resolution, the additions are acceptable and the resolution conforms to the United States views on this subject. Under this resolution the General Assembly would condemn radio jamming, invite all Member Governments to refrain from such interference, invite all Governments to refrain from unfair or slanderous broadcasts, and invite Member States to facilitate the reception and transmission of the United Nations official broadcasts.

2. *History in Committee*

This resolution, which was transmitted by ECOSOC to the General Assembly on the recommendation of the Subcommission on Freedom of Information, was strongly opposed by the Soviet Delegations on the ground that it constituted an interference in their domestic affairs. They attacked the Voice of America and other foreign broadcasting services for disseminating false, distorted, and subversive reports, but made no specific defense of the practice of jamming.

The Arab, Indian, and several Latin American delegations, while in general agreement with the original resolution, indicated that they felt it to be one-sided and sponsored an amendment inviting governments to refrain from "unfair attacks or slanders against other people anywhere". This amendment was adopted by a large majority, and the United States voted in favor of it as a means of ensuring the largest possible majority for the resolution as a whole.

The Chilean Delegation, which sponsored the ECOSOC text in the Committee, also added a provision inviting governments to "facili-

² The three draft resolutions as recommended by the Third Committee were adopted by the General Assembly without change on December 14 and virtually without discussion. For the texts of Resolution 424 (V), Resolution 425 (V), and 426 (V), dealing with interference with radio signals, freedom of information and the press in times of emergency, and the draft convention on freedom of information, respectively, see United Nations, *Official Records of the General Assembly, Fifth Session, Resolutions, 19 September-15 December 1950*, pp. 44 and 45.

tate the reception and transmission of the United Nations official broadcasts". This was also adopted with United States support.

The Committee rejected a Saudi Arabian amendment requesting governments which broadcast to other peoples "not to offend their sensibilities", the United States voting in the negative.

Also rejected by the Committee, the United States voting in the negative, was a Lebanese amendment which read "Invites all member governments to take the necessary steps within their competence to prevent the diffusion of false or distorted reports likely to injure friendly relations between states".

The resolution, as amended, was adopted by 39-5, the United States voting in the affirmative.

3. *Possible Developments in Plenary*

It is possible that the above Saudi Arabian and Lebanese amendments will be introduced in Plenary, although their sponsors have indicated that they are not likely to introduce them. If they are re-introduced, the United States should vote against both. The Saudi Arabian amendment is objectionable because of its vagueness and its generally restrictive character. The Lebanese amendment, which repeats language from resolutions previously adopted by the General Assembly on the subject of false or distorted reports, is objectionable in that it is not only unnecessary, but it also casts an element of doubt on the basic intent of the resolution. It might even be interpreted to sanction jamming of foreign radio broadcasts as a means of preventing "the diffusion of false or distorted reports".

[Attachment 2]

United States Delegation Position Paper

FREEDOM OF INFORMATION: QUESTION OF THE FREEDOM OF INFORMATION AND OF THE PRESS IN TIMES OF EMERGENCY

1. *United States Position*

The United States should vote in favor of the resolution as adopted by the Third Committee. Under this resolution, the General Assembly would recommend to all Member States that, when they are compelled to declare a state of emergency, measures to limit freedom of information and of the press should be taken only in the most exceptional circumstances and then only to the extent strictly required by the situation.

2. *History in Committee*

During its consideration of the text as adopted by the Subcommittee on Freedom of Information and transmitted by the ECOSOC

to the General Assembly, the Third Committee adopted two amendments which tend to weaken the already somewhat vague ECOSOC text. The first resulted in the deletion of the words "in all circumstances" which appeared at the end of the first paragraph; the second changed the words "have been placed" to "might be placed" in the second paragraph.

These amendments were strongly supported by the Arab and some Latin American delegations. The United States Delegation voted against these changes, but supported the amended text, since it retains the essence of the original proposal.

The resolution, as amended, was adopted by a vote of 38-5-5, the United States voting in the affirmative.

3. *Possible Developments in Plenary*

It is unlikely that any attempt will be made to modify the Third Committee text in Plenary. If, however, a proposal is made to revert to the original ECOSOC wording, the United States should support the proposal.

[Attachment 3]

United States Delegation Position Paper

FREEDOM OF INFORMATION: DRAFT CONVENTION ON FREEDOM OF INFORMATION

1. *United States Position*

The United States should abstain in the vote on this resolution by which the General Assembly would appoint a fifteen-state committee, including the United States, to prepare a draft convention on freedom of information, request the committee to report to the Economic and Social Council next summer, and request the Council, if it sees fit, to convene a conference of plenipotentiaries to prepare and sign a convention. Many of the delegations which favor the completion of the convention look upon it as a means of imposing limitations on the work of foreign correspondents and large news agencies and not as an instrument to extend or safeguard freedom of information. It is the United States view that any convention on freedom of information which is completed at the present time is likely to restrict rather than promote freedom of information. The United States should not vote against the proposal, however, since it voted in favor of a series of Lebanese amendments which had the effect of making the present resolution far less objectionable than the original proposal.

2. *History in Committee*

This resolution had its origin in a joint proposal of Chile, Cuba, Egypt, France, and the Netherlands. The original proposal was much

less flexible, in that it did not provide for the possibility that the committee, or at least a substantial minority on the committee, might conclude that it would not be advisable to call a plenipotentiary conference to complete the convention and it gave no discretion to the Economic and Social Council concerning the advisability of calling the conference.

The present wording of the resolution is the result of a series of Lebanese amendments which were supported by the United States and a number of other delegations not in favor of the original text in order to make the resolution more flexible.

A prior United States amendment which would have postponed further consideration of the convention until the General Assembly had taken definite action on the Covenant on Human Rights was rejected by a vote of 14-25-10.³

The resolution, as amended, was adopted by a vote of 35-0-15, with the United States abstaining.

3. *Possible Developments in Plenary*

It is not likely that any attempt will be made in plenary to amend the resolution.

³ For the text of this United States amendment, see the last two paragraphs of the draft resolution, p. 531.

III. MATTERS RESPECTING REFUGEES AND STATELESS PERSONS

IO Files: SD/A/C.3/133

Position Paper Prepared in the Department of State

CONFIDENTIAL

[WASHINGTON,] September 2, 1950.

REFUGEES AND STATELESS PERSONS

PROBLEMS OF ASSISTANCE TO REFUGEES

THE PROBLEM

What position should the United States Delegation take with respect to the problems of assistance to refugees raised by the memorandum addressed to the General Assembly by the General Council of the International Refugee Organization (IRO), dated October 20, 1949?¹

¹ For the history of the International Refugee Organization issued under the auspices of the Liquidation Board of the IRO, see Louise W. Holborn, *The International Refugee Organization A Specialized Agency of the United Nations Its History and Work 1946-1952* (New York: Oxford University Press, 1956). For the text of the IRO's General Council memorandum of October 20, 1949, see U.N. Doc. A/C.3/528, October 26, 1949. The IRO Memorandum requested the

Footnote continued on following page.

RECOMMENDATION

The United States Delegation should take the position that the problems of assistance to refugees raised by the IRO memorandum have been taken care of by paragraph 5 of the Annex to Part A of Resolution 319 (IV), adopted by the General Assembly on December 3, 1949.² This paragraph reads as follows:

"The High Commissioner should distribute among private and, as appropriate, official agencies which he deems best qualified to administer such assistance any funds, public or private, which he may receive for this purpose. He should not, however, appeal to Government or make a general appeal to non-governmental sources except with the prior approval of the General Assembly. The accounts relating to these funds should be periodically verified by the auditors of the United Nations. For the information of the General Assembly, the High Commissioner should include in his annual report a statement of his activities in this field."

The United States should work for and support the final adoption of this paragraph in connection with consideration of the agenda item concerning the functioning of the High Commissioner's Office for Refugees.

If new aspects of this problem are raised as a result of the IRO General Council meeting scheduled for October 1950, fresh instructions should be sought from the Department.

COMMENT

The problem of assistance to refugees was held over from the fourth to the fifth regular session of the General Assembly by virtue of lan-

Footnote continued from preceding page.

Secretary-General of the United Nations to provide for the continuing international protection of refugees within the framework of the United Nations, after the IRO terminated its activities which was then projected for June 30, 1950 (with the exception of certain stated services which were to continue until the original IRO responsibility had been discharged). The concept embodied therein, that of avoiding any break in continuity in the responsibility of the international community for the protection of refugees, was entirely at one with the United States position which since the inception of the United Nations in 1946 had been that the problem of refugees and displaced persons was international in scope and should be a matter for international concern (see *Foreign Relations*, 1946, vol. I, p. 1448). A general summary of background information on the situation confronting the IRO as of September, 1950, is incorporated into a memorandum by the Secretary-General, dated September 22, 1950, which is printed in United Nations, *Official Records of the General Assembly, Fifth Session, Annexes*, agenda relating to item 32, pp. 3 ff. (hereafter cited as GA (V), *Annexes*, agenda item 32).

² This was the General Assembly resolution that provided for the establishment of the United Nations machinery for the continuing legal and political protection of refugees; and it provided specifically for the setting up of a High Commissioner's Office for Refugees. The High Commissioner was to be appointed by the General Assembly, on the nomination of the Secretary-General. See also footnote 1, p. 541. For the text of the resolution, see United Nations, *Official Records of the General Assembly, Fourth Session, Resolutions*, pp. 36 and 37.

guage in Resolution 319 (IV), Part B, December 3, 1949, reading as follows:

"The General Assembly,

"Having taken cognizance of the memorandum addressed to it by the General Council of the International Refugee Organization on 20 October 1949. . . .

"2. Decides, in the absence of definite data, to postpone, until its fifth regular session, the examination of the problems of assistance raised by the above-mentioned memorandum, should these problems still be in existence at that date."

The pertinent paragraph of the IRO Memorandum is as follows (A/C.3/528):

"27. In this connection, it appears that if certain governments were sure that they would receive in the future some assistance, however small, for the care of the most deserving cases they would be more willing to receive or to keep on their territories refugees requiring permanent assistance; this would facilitate the solution of the acute problem of the 'hard core' which the IRO is endeavouring to achieve."

In summary, the problem is whether or not the General Assembly should provide annually an international fund for the material assistance of refugees in their countries of residence.

Since 1945 indigent refugees in the countries of residence in Europe have been supported by international funds supplied by United Nations Relief and Rehabilitation Administration, the Intergovernmental Committee on Refugees, and IRO. IRO is planning to terminate its activities of assistance on March 31, 1951. By that date it is expected that all resettleables will have been moved to receiving countries. There will remain an estimated 200,000 refugees in Central and Western European countries all requiring protection. Approximately one-half of this group will be partially or totally dependent on assistance. Included are those requiring permanent institutional care who with their relatives total 26,000. For their permanent care IRO has allocated \$22,000,000 to provide housing and hospitalization facilities, leaving to governments or voluntary agencies the responsibility for annual care in the institutions provided.

The Western European Governments, accustomed since 1945 to have indigent refugees on their territories cared for out of international funds, are now reluctant upon the termination of IRO to resume unilateral care for these persons and hold the view that they should continue to be provided for out of international assistance funds. The United States Government holds the opposite view: that the burden of caring for indigents among the residual refugees should not fall so heavily on any one country as to justify international assistance funds. Congress has made it clear that it does not propose to appropriate

funds annually hereafter to cover United States contributions to such a fund.

At the fourth session of the General Assembly, a compromise position was adopted, providing that the High Commissioner for Refugees could only appeal to governments or non-governmental sources for assistance funds with the prior approval of the General Assembly (see Recommendation above).³ This decision will be re-examined at the fifth session in connection with consideration of the statute for the functioning of the Office of High Commissioner for Refugees. It leaves in the hands of the General Assembly the decision as to whether international funds for the assistance of refugees are required in any situation in the future. The formula will support the efforts of the High Commissioner to secure the maximum unilateral effort by countries of residence in support of the indigent refugees on their territories who will be entitled to such assistance under the terms of the convention on the status of refugees to be adopted by the General Assembly and opened for the signature of governments thereafter.

³ The provision in the General Assembly resolution that there must be prior approval by the General Assembly was voted in plenary meeting only after the United States made strong representations to secure its adoption. The urgent concern which this Government felt on this and related refugee matters at the fourth session of the General Assembly is reflected by lengthy Delegation discussions on November 3, November 12, November 23, and December 1, 1949 (IO Files, Docs. US/A/M (Chr)/120, 123, 127 and 130, respectively).

IO Files: SD/A/C.3/139

Position Paper Prepared in the Department of State

CONFIDENTIAL

[WASHINGTON,] September 9, 1950.

REFUGEES AND STATELESS PERSONS (Resolution 319 A IV, 3 Dec. 1949)

PROVISIONS FOR THE FUNCTIONING OF THE HIGH COMMISSIONER'S OFFICE
FOR REFUGEES: DRAFT RESOLUTION PROPOSED BY THE ECONOMIC AND
SOCIAL COUNCIL

THE PROBLEM

The General Assembly in Resolution 319 A (IV), paragraph 4, requested the Economic and Social Council to prepare at its eleventh session a draft resolution embodying provisions for the functioning of the High Commissioner's Office for Refugees and to submit recommendations regarding the definition of the term "refugee" to be applied by the High Commissioner. The Economic and Social Council has recommended a statute for the Office of the High Commissioner, a definition of the term "refugee" to be applied by the High Commissioner, and the adoption of a provision for an Advisory Committee.

on Refugees. On request of the General Assembly in Resolution 319 A IV the Secretary General has proposed a budget for the operation of the Office in 1951. What position should the United States Delegation take with respect to the ECOSOC recommendations and the budget proposed by the Secretary General?

RECOMMENDATION

The United States Delegation should work for and support the adoption by the General Assembly of the resolution recommended by ECOSOC providing: (1) a statute for the functioning of the Office of the High Commissioner for Refugees; (2) a definition of the term "refugee" to be applied by the High Commissioner; and (3) provisions for the establishment of an Advisory Committee on Refugees. In the event that the General Council of the International Refugee Organization at its October 1950 session decides to extend IRO operations to November 1951, the United States Delegation should request instructions from the Department with respect to the inclusion in the ECOSOC resolution to be adopted by the General Assembly of an amendment providing for the establishment of the Office of High Commissioner for Refugees at a date later than January 1, 1951. Barring this development, the budget proposed by the Secretary General should be supported. Otherwise the budget should be amended on the basis of new instructions from the Department.

COMMENT

The resolution proposed by ECOSOC is satisfactory because its provisions follow closely the principles adopted by the General Assembly Resolution 319 A IV, and develop the outlines of the plan for the Office included in that Resolution.¹ The proposal maintains the emphasis on legal protection, restricts the charge of the Office upon the regular United Nations budget to administrative expenses, and preserves the function of the General Assembly to pass on appeals for funds for assistance to refugees in advance of such appeals by the High Commissioner.

¹ The terms by which the Fourth General Assembly decided to establish an Office of High Commissioner for Refugees largely reflected positions taken by the United States. Most of the debate which led to the General Assembly decisions took place in the Third Committee, but important action occurred in the plenary meetings of the General Assembly, also, as a result of successful amendments introduced by the United States. Mrs. Eleanor Roosevelt was the United States representative concerned in these matters, assisted by George L. Warren, Adviser on Refugees and Displaced Persons, Department of State. The basic United States position regarding the new Office was that the provision of international protection should be the *sole* function of the proposed office and that the termination of the IRO should conclude broad operational refugee functions under the direct auspices of the United Nations with the one exception of the Palestinian refugees.

The ECOSOC recommendation also contains provision that persons falling under the competence of the High Commissioner's Office for Refugees shall be those defined in Article I of the Draft Convention Relating to the Status of Refugees. This definition of the term "refugee" is satisfactory to the United States because it defines the refugees to be protected by the United Nations precisely and covers all existing categories of refugees requiring international protection in their civil status, with the exception of certain Chinese refugees presently outside of China who might be included by General Assembly action with United States support provided they are eventually included in Article I of the Convention.

At the General Assembly last December and at the eleventh session of ECOSOC there was strong support by certain governments, principally Belgium, Canada and the United Kingdom for a simple global definition. The United States opposed this vigorously on the grounds that such a definition would commit the United Nations to the protection of unknown groups of refugees and divest the Assembly of its freedom of action to deal with new refugee situations which might arise in the future. These new refugee situations or any present refugees who can be clearly identified in the future can always be added later to the competence of the High Commissioner by Assembly action. There is also great danger that the adoption of a simple global definition would involve the United Nations in responsibilities for so-called internal refugees such as those in Germany, Greece, India, Pakistan and in China who do not require international protection because they enjoy the rights of citizenship in their present countries of residence but who nevertheless raise serious problems of material assistance. Any refugee situation arising in the Balkans in the future might raise issues of a political nature with respect to which the General Assembly should retain freedom of action.

At the eleventh session of ECOSOC the French and United States Delegations took the lead in obtaining the inclusion of a provision for the establishment of an Advisory Committee on Refugees, and the United States Delegation should continue to support this provision as it provides the only means by which governments not Members of the United Nations such as Italy and Switzerland which are interested in refugees may participate in the work of international protection.

Resolution 319 A IV establishes the Office of High Commissioner for Refugees on January 1, 1951. At the time this date was set it was expected that IRO would discontinue operations on March 31, 1951. It now appears because of the delay in the movement of refugees to Australia and the United States that IRO may continue protecting and resettling refugees until as late as November 1951. In this event there would be overlapping of functions between the Office of High Com-

missioner and IRO and it may prove desirable to establish the Office of the High Commissioner at a later date than January 1, 1951, to be determined after action on the matter of termination is taken by the General Council of IRO at its October 1950 session.

The budget for operations of the Office for 1951 proposed by the Secretary General appears adequate on the basis of information presently available and should be supported. If, however, the establishment of the Office at a later date than January 1, 1951 is determined upon, the budget would need to be amended on the basis of new instructions from the Department.

IO Files : SD/A/C.3/140

Position Paper Prepared in the Department of State

CONFIDENTIAL

[WASHINGTON,] September 9, 1950.

DRAFT CONVENTION RELATING TO THE STATUS OF REFUGEES

DRAFT PROTOCOL RELATING TO THE STATUS OF STATELESS PERSONS

DRAFT RESOLUTION CONCERNING THE ELIMINATION OF STATELESSNESS

THE PROBLEM

The General Assembly will have on its agenda by reference from the Economic and Social Council:

1. The report of the *Ad Hoc* Committee on Statelessness and Related Problems containing:

- (a) A Draft Convention Relating to the Status of Refugees; and
- (b) A Draft Protocol Relating to the Status of Stateless Persons.

2. A draft resolution on the elimination of statelessness recommended for adoption by the Economic and Social Council.¹

What position should the United States take with respect to the adoption by the General Assembly of these items?

RECOMMENDATIONS

The United States Delegation should work for and support the adoption of:

1. The Draft Convention Relating to the Status of Refugees maintaining particularly intact therein the text of Article 1 "definition of

¹ For background information on the legislative evolution of the two instruments named in 1 (a) and 1 (b) and relevant source citations, see U.N. Doc. A/1396, "draft convention relating to the status of refugees: note by the Secretary-General," in GA (V), *Annexes*, agenda item 32, p. 11, and U.N. Doc. A/1682, "Report of the Third Committee," *ibid.*, pp. 26 and 27.

the term 'refugee' " as recommended by ECOSOC² and the provision for the establishment of an Advisory Committee on Refugees and deleting paragraphs 5 and 7 of the Preamble;

2. The Draft Protocol Relating to the Status of Stateless Persons; and

3. The resolution on the elimination of statelessness as recommended by ECOSOC.

In advance of active consideration of this matter by the Committee, the Delegation should seek through prior discussions with the United Kingdom, Canadian and Benelux Delegations to explore frankly the reasons for their differences of view regarding the procedure for handling this matter in the General Assembly and the definition of the term "refugee". The rationale of the United States position should be explored and an effort made to take into account the legitimate concerns of the other delegations (for example, British concern with respect to Chinese refugees in Hong Kong) so as to minimize the differences between our respective positions in the Committee.

COMMENT

The Economic and Social Council has recommended that the General Assembly approve the Draft Convention on the Status of Refugees and the Protocol Relating to the Status of Stateless Persons which were reviewed by the Council at its eleventh session and referred again to the *Ad Hoc* Committee on Statelessness and Related Problems for redrafting in the light of discussions at the Council meetings and preparation of a final text for submission to the fifth session of the General Assembly. The Council has also recommended the adoption of a Draft Resolution on Elimination of Statelessness drafted originally by the *Ad Hoc* Committee and approved by the Economic and Social Council. The three drafts generally reflect United States position³ and should be supported with a single exception as indicated below.

Procedure. Some governments, Canada, Belgium and the United Kingdom, may press for reference of the Draft Convention and the Protocol to a diplomatic conference to avoid a discussion of these items at this time because of the heavy agenda of the General Assembly. In

² For text of article 1 of the draft convention, with its definition of the term "refugee", see GA (V), *Annexes*, agenda item 32, pp. 10 and 11, and Doc. US/A/C.3/319, *infra*.

³ The United States was a member of the *Ad Hoc* Committee on Refugees and Stateless Persons, which sat in two sessions, from January 16–February 16, 1950, and August 14–August 25, 1950. In two basic matters the *Ad Hoc* Committee adopted the position held by the United States member, namely, that (1) the proposed convention should not include stateless persons, these to be dealt with in a separate protocol, and that (2) the definite categories of refugees to be covered by the proposed convention should be enumerated.

the United States view it is particularly important that the convention be approved at the fifth session of the General Assembly in order that it may be opened for signature immediately thereafter. The convention will be the chief tool available to the High Commissioner for Refugees in performing his function of protection of refugees. It will be his duty to secure signatures to the convention and to supervise its application. The convention in effect establishes the civil status of refugees in countries of residence whose national legislation fails to provide such status. Because of the anticipated termination of the International Refugee Organization in 1951 it is essential that the convention be opened for signature at the earliest possible time and applied as broadly as possible. Every succeeding session of the General Assembly will have a crowded agenda and if action is not taken on the convention at the fifth session the opportunity will be lost to exploit the high interest in the refugee problem to secure constructive action which exists at the present time. The convention will have greater status if approved by the General Assembly than if adopted by a diplomatic conference of a few interested governments. It is important in United States interests to have the convention signed not only by all the Western European countries but particularly by Germany, Austria and Italy which may not be disposed to do so in the absence of Assembly approval of the convention.

Action at the fifth session on the Protocol Relating to the Status of Stateless Persons and the Draft Resolution on the Elimination of Statelessness, while desirable, is not so urgent.

Draft Convention

The convention has been drafted primarily for application in European countries. While the United States may vote for the convention, it is not expected to sign or adhere to it, although this possibility should not be entirely disregarded considering the possibilities of reservations. For this reason changes in the convention are not being proposed which would be necessary if United States adherence were a substantial prospect. The United States desires, however, to secure an instrument which will prove effective in securing protection for refugees particularly in Germany, Austria and Italy where United States interests in the problem are substantial.

Preamble

The preamble adopted by ECOSOC, a French draft, is acceptable with the exception of paragraphs 5 and 7 which should be eliminated, the subject matter being covered in the resolution approving the convention, if this proves necessary. Paragraph 5 contains implications

that certain overseas countries in signing the convention would accept commitments to take refugees off the hands of the transit countries of Western Europe and if adopted in the convention would arouse serious suspicions in the Congress that commitments to receive refugees in the United States had been undertaken without the consent of Congress. Paragraph 7 is even more objectionable from the United States point of view since it reflects on the adequacy of the definition of the term "refugee" adopted in Article 1 and in effect seeks to broaden the definition through the backdoor of the preamble.

Action taken by the General Assembly with respect to the inclusion in the Covenant on Human Rights of federal-state and territorial clauses will affect consideration of the inclusion of these clauses in the convention on refugees. The United States Delegation should support the inclusion of the same clauses in the convention on refugees as are being supported for inclusion in the Covenant on Human Rights.

Definition of the term "refugee". It is anticipated that Canada, Belgium and the United Kingdom will give strong leadership to the effort to amend Article 1 of the convention by substituting a simple global definition in exchange for the present text which defines refugees by categories. The United States has given strong leadership in securing the present text which covers all present clearly identified groups of refugees who lack civil status and require international protection. The definition is not narrow but precise. Its adoption by the Assembly would protect the freedom of action of the United Nations to deal in the future with all new refugee situations any one of which may present political issues requiring special consideration after they have arisen. There is danger also that a simple global definition may involve the United Nations and the signatories to the convention in responsibilities with respect to refugee situations in China, Germany, Greece, India and Pakistan which are of a totally different character in that the persons involved already enjoy the rights of citizenship in their countries of residence and do not therefore require international protection. These latter situations do raise serious relief problems which to date have been treated on a unilateral basis. Subject to the foregoing, the United States is prepared to include in the definition, provided there is support for this action from other governments, a paragraph on Chinese refugees in the following language:

"4. Who, being a Chinese national or being stateless, and having his habitual residence in China, has had or has well-founded fear of being the victim of persecution in that country for reasons of race, religion, nationality, or political opinion, and has had to leave, shall leave, or remains outside that country owing to such fear."

The substantive clauses of the convention, the reservation clause, and the implementation clause as drafted by the *Ad Hoc* Committee

are acceptable in the United States and should be supported by the Delegation.

Protocol Relating to the Status of Displaced Persons

In general stateless persons not covered by the convention are not likely to be granted all the rights and privileges which governments are willing to afford to refugees. It is therefore necessary to deal with this category of stateless persons separately through the medium of the proposed Protocol, which is acceptable to the United States.

Resolution on Elimination of Statelessness

The Draft Resolution on the Elimination of Statelessness should be supported solely because it is a first step in the direction of international treatment of this difficult problem. The resolution may not prove very effective in eliminating statelessness, but its adoption may advance the effort to deal with the problem in the future.

IO Files : US/A/C.3/319

United States Delegation Working Paper

[NEW YORK,] November 23, 1950.

DEFINITION OF THE TERM "REFUGEE" RECOMMENDED BY THE ECONOMIC
AND SOCIAL COUNCIL

A. For the purposes of this Convention, the term "refugee" shall apply to any person

(1) Who, in the period between 1 August 1914 and 15 December 1946, was considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, and the Protocol of 14 September 1939;

(2) Who has been accepted by the International Refugee Organization as falling under its mandate;

(3) Who has had, or has, well-founded fear of being the victim of persecution for reasons of race, religion, nationality or political opinion, as a result of events in Europe before 1 January 1951, or circumstances directly resulting from such events, and owing to such fear, has had to leave, shall leave, or remains outside the country of his nationality, before or after 1 January 1951, and is unable, or owing to such fear or for reasons other than personal convenience, is unwilling, to avail himself of the protection of the Government of the country of his nationality, or, if he has no nationality, has left, shall leave, or remains outside the country of his former habitual residence.

The decision as to eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugees being recognized in the case of persons who otherwise fulfill the conditions of this article.

B. The Convention shall not apply to any refugee enjoying the protection of a Government because

- (1) He has voluntarily re-availed himself of the protection of the government of the country of his nationality;
- (2) Having lost his nationality, he has voluntarily re-acquired it;
- (3) He has acquired a new nationality and enjoys the protection of the Government of the country of his nationality;
- (4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution;
- (5) As a former member of a German minority, he has established himself in Germany or is living there.

C. No contracting State shall apply the benefits of this Convention to any person who, in its opinion, has committed a crime specified in article VI of the London Charter of the International Military Tribunal. No contracting State shall be obliged, under the provisions of this Convention, to grant refugee status to any person whom it has serious reasons to consider as falling under the provisions of article 14, paragraph 2, of the Universal Declaration of Human Rights.

IO Files : US/A/3084

United States Delegation Position Paper

RESTRICTED

[NEW YORK,] December 13, 1950.

REFUGEES AND STATELESS PERSONS: REPORT OF THE THIRD COMMITTEE ¹

1. *United States Position*

The United States should vote in favor of the following three resolutions of the Third Committee:

Statute for Office of the High Commissioner.—This resolution provides for the election by the General Assembly, for a term of three years beginning January 1, 1951, of a High Commissioner; outlines the organization and functions of his office, to be located at Geneva; and defines the categories of refugees whom he shall protect and assist. If an amendment is introduced to provide that the Assembly may from time to time determine additional categories of refugees to come within the High Commissioner's competence, the United States should support it.

Draft Convention Relating to the Status of Refugees.—This resolution provides that the Secretary General shall invite the Governments of all States, both Members and non-Members of the United Nations, to participate in a conference of plenipotentiaries for the purpose of completing and signing the Convention Relating to the Status of Refugees and the Protocol Relating to the Status of State-

¹ For the Committee's Report, see GA (V), *Annexes*, agenda item 32, pp. 26 ff.

less persons. It recommends that the participating Governments take into consideration the Draft Convention submitted by the Economic and Social Council and in particular the definition of the term "refugee" approved by the Assembly, these documents being annexed to the resolution. The United States should vote for an amendment submitted by France, the United Kingdom, and the United States, designed to exclude "internal refugees" such as Germans in Germany by stating that the Convention "shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country".

Problems of Assistance to Refugees.—This resolution appeals to all States to assist the International Refugee Organization in its efforts to re-settle the refugees remaining under its care and postpones until the Sixth Session of the Assembly the examination of the problem of assistance to refugees.

It will not be necessary for the United States to make a statement on this subject.

The United States should vote against plenary discussion of this report.

2. *History in Committee*

The Third Committee devoted considerable time to debating the definition of the term "refugee" submitted by the Economic and Social Council and ultimately agreed to adopt one definition for inclusion in the Convention and a broader definition, incorporating the one in the Convention, for inclusion in the Statute for the Office of the High Commissioner. The wording of the two definitions was perfected by an informal working party composed of Belgium, Canada, France, Israel, Turkey, the United Kingdom, the United States, and Venezuela, under the chairmanship of Mr. Warren (U.S.). The two definitions are generally satisfactory to the United States, although one more effort needs to be made, through the proposed amendment to the resolution on the Draft Convention mentioned above, to limit the term "refugee" to exclude "internal refugees" in order to minimize the possible appeals to the High Commissioner for material assistance. A previous proposal, similar in substance but different in wording, was defeated in the Third Committee. However, the text of the proposed amendment was adopted by a substantial vote for inclusion in the definition of the term "refugee" contained in the Statute for the Office of the High Commissioner. In consequence, it is not expected that there will be any objection to introducing the same language into the definition of the term "refugee" in the Draft Convention.

The resolution on the Draft Convention, apart from the definition of the term "refugee", was introduced by the United Kingdom and

adopted by a vote of 26-7-12, the United States voting in the affirmative.

The resolution on the Office of the High Commissioner was based on a text submitted by the Economic and Social Council, the principal portion being the definition of the term "refugee" referred to above. The final drafting of the Statute was undertaken by a Subcommittee composed of Canada, France, Israel, Lebanon, Palestine, the United Kingdom, the United States, and Venezuela, under the chairmanship of Mr. Lesage (Canada). The resolution as a whole was adopted by a vote of 26-5-12. Canada, Egypt, France, Israel, and the United States voted in the affirmative; the Soviet bloc, in the negative; and Belgium, India, Iraq, South Africa, the United Kingdom, and Yugoslavia abstained.

The resolution on IRO assistance to refugees was introduced by France, the United Kingdom, and the United States, and was adopted without debate or amendment by a vote of 32-5-6.

3. *Possible Developments in Plenary*

It is not likely that this report will provoke any controversy in the plenary meeting.²

² On December 14 the General Assembly adopted the three resolutions described herein (Resolutions 428 (V), 429 (V), and 430 (V)); the second resolution incorporated in its annex the amendment providing for the exclusion of internal refugees from the projected convention on the status of refugees, as proposed by France, the United Kingdom and the United States. For the proceedings, see United Nations, *Official Records of the General Assembly, Fifth Session, Plenary Meetings*, vol. I, pp. 669 ff. For the texts of the resolutions, see United Nations, *Official Records of the General Assembly, Fifth Session, Resolutions*, pp. 46-49.

At the same meeting, the General Assembly rebuffed a strong United States effort to elect Mr. J. Donald Kingsley of the United States as the new High Commissioner for Refugees; and selected Mr. G. J. van Heuven Goedhart of the Netherlands. Mr. Kingsley was at that time the Director General of the IRO. See the useful note by the Secretary-General in GA (V), *Annexes*, agenda item 32, p. 33.

IV. THE PRISONERS OF WAR QUESTION

320/9-1450

Position Paper Prepared in the Department of State

SECRET

[WASHINGTON,] September 1, 1950.

SD/A/C.1/328

FAILURE OF THE USSR TO REPATRIATE OR OTHERWISE ACCOUNT FOR PRISONERS OF WAR DETAINED WITHIN SOVIET TERRITORY

THE PROBLEM

Australia, the United Kingdom and the United States have submitted an item on "failure of the USSR to Repatriate or Otherwise Account for Prisoners of War Detained Within Soviet Territory,"

for inclusion in the supplementary list.¹ The problem is to determine what method of handling in the General Assembly would be most likely to secure helpful Assembly action.

RECOMMENDATIONS

(1) Raise in advance with the delegations of the Netherlands, Belgium, Luxembourg, Norway and France (prisoners of whose nationalities are detained in the USSR) the possibility of participating in the case by presenting evidence or co-sponsoring the draft resolution.

(2) Make clear, by its presentation of available information, the tremendous shortcomings of the USSR in relation to the repatriation of and accounting for prisoners of war and civilians, and specifically, the Soviet failure to fulfill its obligations under international agreements on these subjects.

(3) Submit jointly, and with such other delegations as are prepared to do so, a draft resolution making reference to the necessity of observing humanitarian standards in relation to the treatment of prisoners of war; reciting that vast numbers remain unaccounted for by the USSR; appointing an impartial investigating committee of individuals to study the facts at first hand; and requesting the USSR and other states and authorities concerned to collaborate with the Committee in efforts to bring about the prompt and full accounting for all prisoners of war and the prompt repatriation of all prisoners of war now living.

(4) Oppose the grant of a hearing in the Assembly to Japanese or German representatives, but favor permission to these governments to send written statements and, if agreed to by the Supreme Commander for the Allied Powers in Japan (SCAP) and the High Commissioner's Office in Germany (HICOG), to send experts to accompany SCAP and HICOG representatives as observers.

COMMENT

A. Background

1. *International Law Bearing on Soviet Practices*

Article XX of Hague Convention No. 4 of 1907 provides that "After the conclusion of peace, the repatriation of prisoners of war shall be

¹ This was done by telegram dated August 20, 1950 addressed to the Secretary-General by the three delegations (U.N. Doc. A/1327). This action was first proposed by the Department of State to the British and French Foreign Offices on August 5 (Deptel 666 to London, repeated to Paris, 320/8550).

For the text of an "explanatory memorandum" submitted jointly by the three governments on August 25, 1950, following up on the August 20 telegram, see Department of State *Bulletin*, September 11, 1950, pp. 430 ff. There are 10 annexes made up of relevant documentation attached to the memorandum; see footnote 3, below. Included are the texts of notes exchanged in the diplomatic channel between the United States and the Soviet Union on this subject, dated June 9, 1950, and July 16, 1950, respectively; see Department of State *Bulletin*, September 11, 1950, p. 435.

carried out as quickly as possible." This Convention is generally regarded as indicative of international law on the subjects which it covers. The Soviet Union is not a party to the Geneva Convention of July 27, 1929 relating to the treatment of prisoners of war, Article 75 of which obligates belligerents to repatriate prisoners of war "with the least possible delay after the conclusion of peace." However, the Soviet Union signed Geneva Convention III of 1949 relative to the treatment of prisoners of war, Article 118, paragraph 1, of which provides that "Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." Moreover, the Soviet Union took an active part in the Geneva Diplomatic Conference of 1949 which drew up this Convention. In addition, the Soviet Union is a party to the Geneva Convention of July 27, 1929 for the Amelioration of the Condition of the Wounded and Sick of Armies in the Field (Red Cross Convention), Article 4 of which provides that "Upon the termination of hostilities they (the belligerents) shall exchange lists of graves and of dead buried in their cemeteries and elsewhere."

2. *Allied Repatriation of Enemy Prisoners of War, 1945-1950*²

All Allied powers except the USSR have long since completed the repatriation of prisoners of war which were in their custody. However the USSR has consistently shown at least a strong reluctance to release its prisoners of war and civilian internees. Despite the Potsdam commitment to return all Japanese prisoners of war as soon as possible, no semblance of a program of repatriation of Japanese from the USSR existed until after the conclusion of the agreement with SCAP in December, 1946. Despite this agreement and the Foreign Ministers Agreement in Moscow in April, 1947, to repatriate all German prisoners of war by the end of 1948, the USSR was evasive, dilatory and secretive about its repatriation movements. The Soviet representative walked out of or absented himself from the Allied Council for Japan whenever the subject of Soviet repatriation was raised. No figures were ever supplied concerning civilians. No reports were ever made of deaths of prisoners of war, nor was any other information given as to identity, etc. Nothing but bare total figures have ever been supplied.

3. *The Tass Announcements*³

For some time a great discrepancy has existed between Soviet contentions and the beliefs of the non-Soviet world concerning the num-

² For texts of relevant portions of international agreements of the post-World War II period cited in this section, see Department of State *Bulletin*, September 11, 1950, pp. 431 ff. These annexes are also printed in United Nations, *Official Records of the General Assembly, Fifth Session, Annexes*, vol. II, fascicule relating to agenda item 67, pp. 3 ff. (hereafter cited as GA (V), *Annexes*, agenda item 67).

³ For the Tass announcements of April 22 and May 5, see Department of State *Bulletin*, September 11, 1950, pp. 433 and 434.

ber of prisoners of war under Soviet control. Finally, on April 22, 1950, Tass announced that all Japanese prisoners of war had now been repatriated except 2,467 detained in connection with war crimes or on account of illness, on May 5, 1950, that repatriation of German prisoners of war was complete except for some 13,500 detained for the same alleged causes.

4. *The Question of the Number of Japanese Prisoners Still in Soviet Hands*

On the basis of records carefully maintained during the war and revised up to May 1, 1950 in the light of subsequent information made available by returning repatriates, the Japanese Government claims that of some 1,620,516 Japanese nationals (including both prisoners of war and civilians) originally taken by the USSR, 309,070 are still to be returned home or otherwise accounted for—some 229,000 from Siberia and some 80,000 from Sakhalin and the Kuriles. It further claims that an additional 60,000 persons are still to be accounted for from territories now under the control of the Chinese Communists. Of the 309,070 to be accounted for from Soviet-controlled territory, the Japanese estimate that some 229,000 are prisoners of war and some 80,000 are civilians.

The USSR, *whose figures are believed to include only prisoners of war and not civilians*, has claimed that only 594,000 originally fell into Soviet hands and that only 2467 remain. Probable factors in the tremendous discrepancies between the Soviet and Japanese figures are (1) the USSR has at no time given any information on deaths (or births); (2) some Japanese have been handed over to the Chinese Communist authorities; (3) a reasonable margin of error in the Japanese figures; and (4) certain numbers of Japanese troops died on the field of battle, were never reported in casualty lists, and never fell into Soviet hands.

With regard to (1) above, the Japanese Government has already confirmed, on the basis of sworn statements of at least two witnesses in each case, the deaths of some 70,000 persons and issued death certificates to their families. It is probable that many more than that number have died, though it is difficult to believe that the number reached 300,000. As for the possibility that large numbers of prisoners were handed over to the Chinese Communist authorities, there is no available evidence from either Soviet sources or from the statements of returning repatriates in support of such a view. The possibility of inaccuracy in the Japanese Government's statistics would also appear to be far-fetched: these statistics have been closely scrutinized by SCAP since the surrender of Japan, and there is no reason to doubt them, particularly in view of the fact that similar statistics for other

areas in the Pacific have proven to be surprisingly accurate. As to unreported Japanese casualties on the field of battle, while such a factor cannot be overlooked, it is impossible to believe that the number could be very large, since the USSR and Japan were engaged in hostilities for a period of only seven days.

In any event, when all allowances are made, it is simply not reasonable to conclude that anywhere near all the prisoners of war have been returned. The fact that thousands of petitions from families and civic groups throughout Japan continue to pour into General Headquarters is ample proof that vast numbers of Japanese prisoners of war are unaccounted for.

5. *The Question of the Number of German Prisoners Still in Soviet Hands*

During the War Soviet claims of prisoners of war captured in Europe exceeded 4,000,000 men but since 1945 the Soviet Government, in giving numbers of prisoners of war, has accounted for only 1.9 million.

Molotov in 1947 at the Council of Foreign Ministers in Moscow, stated that following Germany's surrender 1,033,974 persons had been freed and returned to Germany and that as of that date the total number of German prisoners of war in the territory of the Soviet Union was 890,532. While the other Powers did not formally challenge this statement, they as well as the Germans considered it to be far short of the actual number of prisoners of war in Soviet custody. In the May 1950 Tass statement an accounting of prisoners of war was given on the basis of the 1947 statement.

German sources state that between 1,000,000 and 1,500,000 prisoners of war who were in Soviet custody remain unaccounted for today. Since, the figures available to us are at best estimates, the Delegation should avoid giving any specific figure of Soviet holdings of German prisoners of war as its official estimate. From evidence available to it, however, the Department believes that several hundred thousand prisoners of war may still be in Soviet custody. A recent census conducted in Germany has revealed that many thousand prisoners of war have corresponded with their families in Germany at so recent a date as to impugn the Soviet claim that all German prisoners of war have been repatriated. The Tass figures themselves are incorrect on their face as it would appear from [*sic*] that there has been not one prisoner of war death since the 1947 Molotov statement—a conclusion completely at variance with known facts as to the high percentage of deaths in Soviet prisoner of war camps.

B. *Charter Aspects of Submittal and Consideration of this Question*

In their explanatory memorandum, the three Governments state that they are placing the matter before the Assembly under Articles 10,

14, and 1(3) of the Charter. The Department places chief emphasis upon Article 14 as specific authorization for us to submit and for the Assembly to consider the problem. Reference to Article 1(3) was added at the suggestion of the United Kingdom, as a basis for argument that the Soviet practices are violative of human rights.

The Soviet delegation will challenge our right to submit and the Assembly's right to consider this matter, on the basis of the Soviet interpretation of Article 107 of the Charter. That article states: "Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the governments having responsibility for such action." In the Berlin case, the United States took the position that this article in no wise limits the powers of United Nations bodies under Chapter III, IV, VI and VII. All but two members of the Security Council agreed that Article 107 did not operate as a limitation upon the powers of the Council to consider and act upon a threat to the peace. Similarly, our position here is that Article 107 does not limit the power of the General Assembly to consider and make recommendations on situations ("regardless of origin") which are likely to impair the general welfare or friendly relations between nations. Article 107 does not restrain Allied powers having responsibilities for action in relation to defeated enemy states from bringing their differences with other such powers to the United Nations even if those differences relate to conduct of any of them in respect of nationals of a former enemy. Moreover, conduct by an Allied power which is not reasonably incidental to its task of completing the defeat of the enemy and of discharging its control responsibilities but is, on the contrary, utterly inconsistent with the proper performance of these tasks, is not protected by Article 107. The general purpose of Article 107 is merely to prevent attack in the United Nations upon peace treaties which were expected to be drawn up in agreement by the Allied powers, or upon action by Allied powers pursuant to such treaties. Its specific purport is merely that action taken by an Allied power which would otherwise be a violation of the Charter may be deprived of that Charter if properly authorized by a peace treaty; if the matter is raised in the United Nations the power concerned may be able to plead Article 107 as a defense.

The three delegations can demonstrate that they submitted the problem to the United Nations only after continued efforts through the control machinery and through diplomatic channels.

C. Type of Assembly Action to be Proposed

The three submitting governments are collaborating in the preparation of a joint draft resolution which will be proposed at an early stage. The terms of such a resolution should be kept general and should preferably not contain an express condemnation of the USSR. The resolution might call for adherence to existing standards of treatment for prisoners of war as set forth in the 1949 Geneva convention, the full accounting for all prisoners taken and their prompt repatriation after the end of actual hostilities. It might state further that the interests of humanity require that, so far as possible, the uncertainty still existing about the fate of hundreds of thousands of prisoners of war be removed and that any remaining prisoners be promptly repatriated. For this purpose, while we could accept any means of impartially ascertaining the facts, the resolution would probably provide for the appointment of a special United Nations commission, composed of individuals with a reputation for impartiality and competence, which would have the task of ascertaining the facts at first hand and of doing what it could to facilitate repatriation. The resolution would request all states concerned to lend full cooperation to the Commission.

It seems certain that the USSR will refuse the Commission access to its territory. In that case the Commission can and should visit Germany and Japan, and perhaps other States, and appraise such information as can there be supplied.

After careful consideration it is believed that these functions should be vested in an *ad hoc* commission rather than in the International Red Cross. The latter organization would be well-equipped to perform these functions. However, it was refused access to Soviet territory during World War II and there is no indication that the USSR is of a different mind now.

*D. Question of Hearing German and Japanese Representatives in General Assembly Committee*⁴

To grant permission to German and Japanese representatives to make statements in the Assembly committee during consideration of this item would doubtless bring an extremely favorable reaction in German and Japanese public opinion, and such representatives might contribute factually to the discussion. However, most delegations would object to granting such a privilege to these governments. The United Kingdom has already stated its strong objection, and it is

⁴ For the resolutions adopted in the Japanese and (West) German legislative branches of government on this matter, on May 2 and May 5, respectively, see Department of State *Bulletin*, September 11, 1950, p. 434.

the Department's view that such participation in the United Nations would be premature. Accordingly, the delegation should take a definite position against such a hearing.

It would, however, probably be helpful for the German and Japanese governments to be permitted, if they so desire, to supply detailed written communications and for experts from these governments to be present at the Assembly together with representatives of HICOG and SCAP as observers to supply requested information.

IO Files: US/A/3083

United States Delegation Position Paper

RESTRICTED

[NEW YORK,] December 13, 1950.

PRISONERS OF WAR: REPORT OF THE THIRD COMMITTEE¹

1. *United States Position*

The United States should vote for the Third Committee resolution which (a) calls upon governments to publish and transmit to the Secretary-General before April 30, 1950, the names of prisoners still held by them and of those who have died while under their control; (b) establishes an *Ad Hoc* Commission of three individuals to evaluate the information and, if it considers the information inadequate, to seek further information and assist in repatriation; and (c) urges governments and authorities concerned to supply all necessary information and grant the Commission right of access to their countries and to areas where prisoners are retained.

It will not be necessary for the United States to make a statement on this subject.

The United States should vote against plenary discussion of this report.

2. *History in Committee*

The resolution is based on a draft text submitted jointly by Australia, the United Kingdom, and the United States, which had placed the item on the agenda.² The sponsors accepted many amendments proposed by other delegations, while insisting upon the estab-

¹ For the Report of the Third Committee on this item, see GA (V), *Annexes*, vol. II, agenda item 67, pp. 15 ff. The Committee considered the question on December 7, 8, and 9; for the proceedings, see United Nations, *Official Records of the General Assembly, Fifth Session, Third Committee*, pp. 419-449, *passim*. Mrs. Edith S. Sampson of the United States Delegation represented the Delegation in the Third Committee on this matter.

² For the text, see GA (V), *Annexes*, vol. II, pp. 10 and 11.

lishment of a commission with broad terms of reference.³ In particular, they incorporated in their text a Syria-Lebanon proposal that governments should be called on to report the facts, but did not agree that this procedure should be substituted for the creation of a commission; and they accepted a French amendment, modifying an earlier Iraq-India proposal, that the International Red Cross should select the members of the Commission or, failing that, the Secretary-General should do so.

The resolution was adopted by a vote of 43-5-8. The Soviet bloc cast the five negative votes, and the Arab states, plus Mexico, accounted for most of the abstentions.

3. *Possible Developments in the Plenary*

It is not expected that this item will provoke controversy in the plenary, except that the Soviet bloc, in explaining their votes, will probably repeat their arguments against the resolution.⁴

³ Relevant documentation concerning changes made in the Third Committee is found, GA (V), *Annexes*, vol. II, pp. 11 ff.

Anterior to the committee stage, when the sponsoring powers were seeking broad agreement from interested governments on an agreed text, the basic question concerned the projected commission itself, certain Western European governments evidencing opposition to such a body. Once the commission idea was accepted, there arose disagreement as to whom the commission should report. An early draft of the resolution in the pre-Committee phase called for reporting to the next session of the General Assembly. By the time the draft resolution was formally submitted to the Committee the text was revised to require the commission to report to the Secretary-General for transmission to Members, without time limit. (Department's telegrams to New York, Gadel 115, November 15; Gadel 140, November 24; and Gadel 141, November 24, file nos. 320/11-1550, 320/11-2450, and 320/11-2450, respectively)

⁴ The draft resolution as recommended by the Third Committee was adopted by the General Assembly on December 14 with no discussion. The Soviet delegate made a statement after the vote expressing the belief of his government that the General Assembly action on this matter violated Article 107 of the United Nations Charter. Brief statements were made by representatives of France and Poland. For the proceedings, see GA (V), *Plenary*, pp. 668 and 669. For the text of the resolution, Resolution 427 (V), see GA (V), *Resolutions*, p. 45.

The resolution expressed the concern of the General Assembly at information presented to it concerning prisoners of war and called upon governments "still having control of such persons" to conform to accepted international practice and specific international agreements for their repatriation. Governments so concerned were asked to transmit to the Secretary-General by April 30, 1951, the names of prisoners still held, the reasons for their continued detention, and where they were detained and the names of prisoners who had died in captivity together with date and cause of death and manner and place of burial. The Secretary-General was requested to establish an *Ad Hoc* Commission composed of three qualified and impartial persons chosen by the International Red Cross or himself "with a view to settling the question of the prisoners of war in a purely humanitarian spirit and on terms acceptable to all the governments concerned." The Commission was to meet after April 30, 1951, "to examine and evaluate, in the light of the information made available to the fifth session of the General Assembly, the information furnished by governments in accordance with the terms of [the resolution]." The Commission was specifically authorized by the resolution to pursue further steps if necessary which "it considers might contribute to the repatriation or accounting for such prisoners. . . ."

V. THE QUESTION OF THE TREATMENT OF PEOPLE OF INDIAN ORIGIN IN THE UNION OF SOUTH AFRICA

IO Files : SD/A/C.1/331

Position Paper Prepared in the Department of State for the U.S. Delegation to the Fourth Regular Session of the General Assembly

CONFIDENTIAL

[WASHINGTON,] September 2, 1950.

THE TREATMENT OF INDIANS IN SOUTH AFRICA

THE PROBLEM

The problem is to determine the United States position with respect to the question of the treatment of Indians in South Africa at the Fifth Session of the General Assembly.

RECOMMENDATIONS

1. The delegation should determine, in the light of the circumstances prevailing at the Assembly, the degree of initiative, if any, which the United States should take in this question, keeping in mind that this Government is interested in this item principally as a leading Member of the United Nations, which enjoys friendly relations with both parties and which has pursued a policy of active cooperation in United Nations efforts to promote universal observance of human rights.

2. In private consultation with other delegations the United States delegation should encourage any appropriate initiative by other states and particularly by members of the British Commonwealth designed to facilitate the reopening of the discussions among the Governments of the Union of South Africa, India and Pakistan recommended by General Assembly resolution 265 (III).

3. The United States should initiate or support a proposal which would take note of the efforts of the parties to organize a round table conference and which would reaffirm the invitation of the Second Part of the Third Assembly that the parties enter into discussion at a round table conference, "taking into consideration the purposes and principles of the Charter of the United Nations and the declaration of Human Rights." Moreover, the delegation in its discretion, may support or initiate a proposal for the appointment of an individual who would assist the parties in resuming and carrying through appropriate negotiations.

4. The delegation should support the South African request for an early consideration of this case on the agenda of the *Ad Hoc* Political Committee so that if possible it will be considered prior to discussion of the question of South West Africa, which will be taken up in Committee 4.

5. In the event that India enlists substantial support for a more far-reaching resolution than the Delegation can accept under Recommendation 3, above, the delegation should seek further instructions.

COMMENT

This question involving the complaint of India against the discriminatory treatment of some 250,000 nationals of the Union of South Africa of Indian extraction was considered by the General Assembly in 1946 and 1947 without settlement.¹ On India's initiative it was again considered in the spring of 1949 when the Assembly adopted a resolution (265 (III)) inviting the Governments of India, Pakistan, and the Union of South Africa to enter into discussions at a round table conference, taking into consideration the purposes and principles of the Charter and the Declaration of Human Rights.²

During the fall and winter of 1949 the Governments of India, Pakistan, and South Africa carried on an exchange of correspondence concerning the proposed round table conference. Since the Government of the Union of South Africa desired preliminary discussion of the agenda for the proposed conference, a preliminary conference was held in February of 1950 at Capetown. There it was agreed to call the Round Table Conference to explore all possible ways of settling the question. In addition the three Governments agreed on the inclusion of two concrete items of the agenda: (1) reduction of the Indian population of South Africa (proposed by South Africa); and (2) removal of political, social and economic disabilities of South African nationals of Indo-Pakistan origin and the provision of opportunities for their fullest development (proposed jointly by India and Pakistan).

Towards the end of April, however, the Union Government introduced in Parliament the Group Areas Bill, which would establish in the Union additional areas of exclusive occupation or ownership on a racial basis. This bill was regarded by the Indians and Pakistani as an extension of *apartheid* (policy of segregation) and as aimed primarily at Indians in the Union who, being mainly engaged in trade and business in various parts of the country, would in their view be faced with disaster if it were enacted into law.

The Governments of India and Pakistan requested the Government of the Union of South Africa to postpone executive action under the

¹ The General Assembly did approve a resolution on the subject, however, on December 8, 1946, at the second part of the first session. For text of Resolution 44 (I), see United Nations, *Official Records of the General Assembly, First Session, Second Part, Resolutions*, p. 69.

² This resolution was approved by the General Assembly on May 14, 1949, at the second part of the third session. For text, see United Nations, *Official Records of the General Assembly, Third Session, Second Part, Resolutions*, p. 6.

Asiatic Land Tenure Amendment Act of 1949 and the enactment of the Group Areas Bill until the Round Table Conference had been held. The Government of the Union of South Africa refused to accede to these requests and the Group Areas Bill was approved by the Parliament.

In June of this year the Government of India published its correspondence with the Union of South Africa and announced that the Union's actions indicated its determination to go ahead with the policy of *apartheid* and to limit the discussion at the Round Table Conference to measures designed to reduce the Indian population of the Union. Such a conference, the Indians believed, would be one-sided and could provide no solution for the problem. By letter dated July 10, 1950 (A/1289) the Government of India placed the question of the treatment of Indians in South Africa on the agenda of the fifth session, requesting the General Assembly to take note of these facts and take appropriate steps to ensure that the treatment of Indians in South Africa conforms to the principles and purposes of the Charter and the Declaration of Human Rights. Pakistan did not join India in withdrawing from the proposed conference. The possibility exists that India may as a minimum position propose a resolution recommending that South Africa refrain from implementing the Group Areas Bill pending resumption of direct negotiations between India, Pakistan, and South Africa.

In the past the United States took considerable initiative in this case. While this is a problem among three members of the British Commonwealth, the United Kingdom and other Commonwealth members have shown extreme caution if not reluctance to intervene. In this Assembly we should not "sparkplug" Assembly action. In this case of discord among two non-Communist governments which opens promising avenues to Soviet propagandists, we should use our influence in the direction of avoiding extreme positions which would exacerbate the conflict without improving the lot of the Indian population in South Africa.

However, we do not wish to be in the position of either voting against or abstaining on a resolution which may have the support of two-thirds of the General Assembly. Such a position would raise serious doubt in the eyes of the Indians as to the friendliness of the United States toward India and the Asian and African countries in general. In view of the importance of United States-Indian relations and the presence of India in the Security Council, we should avoid action which would have an unfavorable effect on India. On the other hand we should seek to avoid the type of resolution (such as condemnation or appointment of an investigating commission) which

would alienate South Africa and which might lead to its withdrawal from the United Nations.

We should reaffirm our support for the promotion of universal respect for and observance of human rights. Pointing to the discussions of the parties in 1949 and 1950 we should emphasize that negotiations at a Round Table Conference appear to be the method selected by the parties themselves in the past. As long as this method holds out some promise of success, the Assembly should do everything in its power to facilitate it. At this stage of development of the United Nations in the delicate field of human rights the Assembly should concentrate upon assisting the parties in composing their differences as long as there is some hope for a settlement.

320/11-750 : Telegram

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

SECRET

NEW YORK, November 7, 1950—10 p. m.

Delga 249. Thurston and Allen¹ discussed question of Indians in South Africa with Mrs. Pandit² at lunch today after which she gave them draft resolution which represents present Indian thinking on subject:

"The GA

"Recalling its resolution of the 16th May 1949, relating to the treatment of people of Indian origin in the Union of South Africa,

"Having considered the communication by the permanent representative of India to the SYG of the UN dated the 10th of July 1950,

"Having in mind its resolution No. 103(I) of the 19th November 1946 against racial persecution and discrimination and its resolution No. 217(III) dated the 10th December 1948 relating to the universal declaration of human rights,

"Is of the opinion that the legislation recently enacted in the Union of South Africa under the title 'The Group Areas Act,' entails contravention of the purposes and principles of the Charter of the UN and the Declaration of Human Rights:

"Notes with regret that this enactment and the policy of apartheid or total segregation on which it is based have prejudiced and rendered infructuous the recommendation contained in its resolution of the 16th May 1949 to the effect that the Governments of India, Pakistan and the Union of South Africa should enter into a discussion at a round table conference in the light of the Charter of the UN and the Declaration of Human Rights; and

"Recommends to the Government of the Union of South Africa to take all steps necessary speedily to bring its treatment of the people

¹ Ray L. Thurston and Ward P. Allen of the United States Delegation Staff of Advisers.

² Mme. Vijaya Lakshmi Pandit, Indian Ambassador to the United States.

of Indian origin in the Union of South Africa into conformity with the purposes and principles of the Charter of the UN, and the Declaration of Human Rights, bearing in mind the vital importance of these principles to the securing of international peace as well as the strengthening of democratic forces throughout the world."

Mrs. Pandit said Indonesia had agreed to co-sponsor resolution, and Zafrullah Khan³ later told Thurston that Pakistan would also probably be co-sponsor. According to Mrs. Pandit, Padilla Nervo (Mexico)⁴ and she have had talk on subject from which she gathered that Mexico would be glad to assist in working out of appropriate resolution. US representatives got definite impression that her purpose in handing Indian draft was to invite comment and perhaps amendments of such nature as would assure US support and support of other western countries.

In discussion possible alternatives to approach envisaged resolution Mrs. Pandit appeared receptive idea that GA might limit action this time to selection conciliator from panel established last GA whose purpose would be bring parties together in round table conference as envisaged 1949 GA resolution. Later informal discussions with South African representatives brought initial reaction along line that if appointment such conciliator could be construed as "intervention", then South Africa would be adverse to such move because of its stand that question is one of essentially domestic jurisdiction.

Would appreciate Department's views for guidance US delegation soonest since matter may come up *Ad Hoc* Committee either November 8 or 9. It would be particularly helpful have statement Department's attitude on whether desirable US delegation sound out other interested delegates on formulation resolution which simply note failure parties thus far hold round table conference envisaged 1949 resolution and providing for selection conciliator with terms of reference as indicated above.

AUSTIN

³ Sir Mohammad Zafrullah Khan, Pakistani Minister for Foreign Affairs and Commonwealth Relations and Chairman of the Pakistani Delegation to the General Assembly.

⁴ Luis Padilla Nervo, Permanent Representative of Mexico at the United Nations and Chairman of the Mexican Delegation to the General Assembly.

320/11-850 : Telegram

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

SECRET

WASHINGTON, November 8, 1950.

488. Ref Delga 249. In conversation with Mrs. Pandit USDel shld point out that we do not believe type of res suggested wld advance

solution of problem or lead to amelioration conditions Indians in South Africa. Rather, we believe it wld have the effect of exacerbating situation and making resumption of negotiations more difficult. For this reason we will not be able to support res along lines she suggested. USDel shld endeavor persuade Mrs. Pandit that res calling for resumption Round Table talks and possibly including provision for an appointment of a conciliator to assist seems to be a more fruitful approach.

Re sounding out other dels as suggested urtel 249, Dept concerned that we not assume initiative this regard and while clearly stating our position, other dels, particularly Commonwealth states, shld be encouraged to take initiative so that Assembly may not be faced with extreme positions presented by India and South Africa. We believe that in view extensive activity of this kind taken by us on other Assembly issues and in this case in past, it is preferable that we let other dels carry initiative.

Although you are in better position to evaluate tactical situations and to judge most propitious time to present US statement in Comite, it seems to us it wld be wiser if we spoke late in debate at a time best calculated to inject a note of conciliation so as to bring Comite together on moderate res.

ACHESON

IO Files: US/A/M (Chr)/172

*Minutes of the Thirty-seventh Meeting of the United States
Delegation to the General Assembly, New York, November 10, 1950,
9: 15 a. m.*

SECRET

[Here follows list of persons present (47). The sole agenda item for the meeting was the problem of the treatment of Indians in the Union of South Africa, with the Department's position paper, Doc. SD/A/C.1/331, as the basis for discussion. Mr. Ward P. Allen of the Delegation's Advisory Staff first gave a thorough review of the history of the question and the issues involved. He then presented the United States position as set forth in the position paper, emphasizing that the United States preferred not to take any initiative on this matter. This did not exclude taking a position in the Third Committee which would deflect the development of extreme positions. The Delegation was instructed "to initiate or to support a proposal which would reaffirm the previous resolution calling upon the parties to enter into discussions, and to support or initiate a proposal for some sort of machinery to help them . . . We were not disposed to support a resolution condemning either India or South Africa. . . ."]

Senator Lodge¹ said that he did not see eye to eye with what had been said so far on this matter. The issue here was one of enormous emotional power; it was that issue which symbolized our Achilles' heel before the world, the civil rights issue. All over the United States there were violations of our basic civil rights policies. To say that the Indians did not take a technical view of this situation certainly was putting it mildly. He was surprised at the innocuous Indian resolution, and he thought that the United States should vote for it. He did not see himself, as the delegate responsible for this item, discouraging Mrs. Pandit from submitting the resolution. To him this item provided a great opportunity for the United States to build strength to overcome some of the grave disadvantages under which our country labored because of the civil rights question. In any case, the United Nations could do nothing concrete in this case but simply adopt an expression of pious sentiment. He saw no reason why the Assembly should not go ahead and express this sentiment and why we should not support it in this regard.

Mr. Cohen wanted to be sure that the Delegation did not lose the enthusiasm of Senator Lodge on this issue. He thought it was important. What could be done in this case was another thing. He told the Senator that he would be walking on hot coals. On the one hand, we did not want the Indians to feel we were unsympathetic; on the other, we could not let the domestic jurisdiction issue get out of hand. He hoped we would not try to determine our policy as a result of the temporary shifts of opinion in the General Assembly. We should determine our over-all policy on human rights and act on each human rights case accordingly. On the one hand, we urge in connection with the Human Rights Covenant a procedure which would enable human rights problems to be brought up in the United Nations. Other states, however, were unwilling to see such a provision in the Covenant. He wanted to see us maintain a measure of consistency, at least greater than that of most of the western countries who were vigorous on human rights in Bulgaria, Roumania and Hungary, and yet found a lack of competence in the Assembly in the case of South Africa. He believed we should allow recommendations to be made in this case. We could do what we claimed we were trying to do under the Covenant on this very issue.

Mr. Dulles said that Senator Lodge had remarked he did not wish to be in an equivocal position on this issue. Unfortunately we already were. We could not be so righteous about this case. After all, one had only to observe the position which the Senate had taken on the Genocide Convention. He did not believe that we would actually gain great

¹ Senator Henry Cabot Lodge of the United States Delegation was the Delegation's representative in the *Ad Hoc* Political Committee on this item.

credit in the eyes of the rest of the world by being extremely indignant and righteous about United Nations action in this case when we did not do anything to improve our own situation. Senator Lodge asked what conditions in this country compared with those in South Africa. Mr. Dulles conceded that nothing comparable existed; yet our position was such that the United States was obviously unwilling to make applicable to the United States the Human Rights Covenant. If Senator Lodge thought he would get out of an equivocal position by thinking that South Africa was following a more restrictive civil rights policy than we were, he was mistaken. Senator Lodge said he did not intend to raise hell on this matter, but simply to say what he felt was right. After all, there was a place for ideals in this world.

Mrs. Sampson was glad to know that there were so many friends on her side in this case. She would like to see the United States not sit back, but to sit up straight and be idealistic in this matter. She thought the eyes of the world were upon us because of the conditions we were ashamed of. But after all, we were improving. A straightforward position which faced this situation for what it was would be evidence that we were improving.

Mr. Hickerson said that whoever handled this matter would find himself inevitably in an equivocal position. It would be all very well to say we should take a bold stand on this, but we did have a beam or two in our own eyes. He knew that the laws in his native Texas, for example, were such as not to let us off this hook. People would ask, "Why don't we get our own house in order?" He shared Senator Lodge's views, but he could also tell him that the Foreign Relations Committee had not yet reported out a simple convention calling genocide an international crime. This case of the Indians in South Africa was a hardy perennial. He agreed the South Africans were very wrong, but in other respects they were pretty good people. For example, they had sent a fighter squadron to Korea. He did not think they ought to be criticized. Senator Lodge said he had not stated that we should be righteous about this. He had simply said that if we were called upon to express an opinion, we should say that we thought segregation was wrong, no matter where it occurred, here or in South Africa. Mr. Hickerson commented that the Union Government would make the argument of competence on the basis of Article 2(7) of the Charter. He was afraid that might cause us considerable embarrassment.

Mr. Tate said he would not presume to speak on tactics; he did think we should probably play this item in a low key. However, under Article 55, every nation had an obligation to promote human rights. We had undertaken this obligation, as had South Africa. It seemed to him that we should not put ourselves in the position of saying that

South Africa was acting in conformity with the Charter. The whole policy of the Union Government obviously ran directly against the Charter.²

Senator Cooper thought that there should be a statement of principle, and that some action should be sought. He hoped we could try to develop some steps to achieve the substance of our position, which was to bring the parties together. As he saw it, there was more interest in condemning South Africa than in getting them to make a report. This was the case, at least as regards South West Africa. If we could not get anything done, we should then make it quite clear that we were interested in getting better treatment for the Indians.

Mr. Allen said that our objective in this case was to try to get some progress and to bring the two parties together through the United Nations. In terms of that objective, any resolution which was violently objected to by either side was not likely to accomplish anything. A condemnatory resolution would not persuade the parties to move forward. Mrs. Roosevelt thought that what we wanted to do here was not to say that the South African position was correct, but to keep both governments working together in order to find a way in which they would sit down—either with a conciliator or alone—and get something rolling toward bettering conditions. It was our objective to make that possible rather than to let either side say harsh things about the other. From her experience in the Human Rights Commission, she could tell Senator Lodge that he would find himself in the position of having to answer questions along the lines that we would not even live up to the Human Rights Covenant, because of the federal-state clause, and he would be criticized for our civil rights laws. She simply answered

*The view expressed here by the Deputy Legal Adviser of the Department of State appears to be consistent with an opinion set forth by the Legal Adviser (Gross) on November 4, 1947, in a letter to the Attorney General of the United States, in which the following was stated regarding Articles 55 and 56 of the Charter of the United Nations:

"The Department of State considers that there can be no doubt that the Charter, constituting, as it does, a treaty to which the United States is a party, is the supreme law of the land. It does not, however, consider that the broadly worded provisions of the Charter with regard to human rights contained in the Articles referred to control contractual relationships. These Articles impose obligations broadly upon the United Nations and the states which are members thereof. They do not purport to impose legal obligations or confer legal rights upon individuals in those states. . . . The articles do appear to place member states under an obligation to cooperate with the United Nations in the carrying out of its function, which is stated here and elsewhere in the Charter as being the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. . . . Since your inquiry relates to the question of public policy, in addition to that of legal obligation, it may be said that the various Charter references to human rights, including those cited in your letter, do indicate the general public policy of the United States. . . ."

(Bound file of opinions of the Legal Adviser for the year 1947, the Law Library, Office of the Legal Adviser, Department of State)

these questions by stating that we were trying to improve ourselves; we knew that there were things that were not right, but under the Federal Constitution they were things which the Federal Government could not undertake to improve directly because they were rights reserved to the states. The Senator would have to be prepared to deal with such arguments. We could not say that just because we were doing better we could claim something more than South Africa. We would not be in a pleasant position. She thought, however, that we could meet criticism by being honest about our efforts and by saying that, because we knew certain things were wrong, we still did not think they should continue or did not agree that they were right. We were trying to promote a movement forward in the world and at home in human rights.

Senator Lodge was not sure that he agreed with all that Mrs. Roosevelt said. There should be no confusion about one thing. He agreed it was desirable to bring the parties together. He would be glad to try to do that. However, this had to come from within so there would be no "baloney" about that. He certainly agreed with Mrs. Roosevelt that the United States must not, under any conditions, be put in the position of favoring such treatment of colored people. Where he disagreed, was in any defense of conditions which were wrong. This business of the federal-state clause, the reservation the Senate had passed regarding the OAS charter, for example, which had been aimed at education—he disagreed with entirely. That kind of a reservation was retrograde. He would not say he favored reservations. If the Department wished him to request Mrs. Pandit to withdraw her resolution, someone else would have to handle the item because he simply would not do it.

Mr. Hickerson explained that all that the Senator would be asked to do, if Mrs. Pandit should approach him, was to say that we did not think this resolution was the best way to go about dealing with the situation. A condemnatory resolution would not help since what was wanted was to bring the parties together. Senator Lodge said he would vote in favor of a resolution condemning segregation. Perhaps it would be possible to prevent such a resolution coming up, but in the event it did, he would like to see the American delegate who would not vote in favor of it.

Mr. Hickerson observed that South Africa took a serious view of the domestic jurisdiction issue in this case. Whether it was right or wrong, he did not know. In 1946 the Union had wanted this question referred to the Court, but that had been voted down.

Mr. Cohen thought that, so far as the domestic jurisdiction issue was concerned, there was no question that the General Assembly could not issue a mandatory order on human rights, and while there was a differ-

ence of opinion on just what it could do, he would like to call the Delegation's attention to Lauterpacht's last edition of his book on international law³ in which he took the position that in view of the human rights provisions in the Charter, there was nothing which prevented the Assembly from discussing and making recommendations on such matters. Mr. Cohen indicated he was always very nervous when the domestic jurisdiction issue came up because there was confusion as to what the Assembly could do. Some took the position that even a recommendation was forbidden by Article 2(7).⁴ We had refrained from taking that position, and he hoped we would continue to do so, and, if possible, make our position even clearer and stronger. Obviously the General Assembly could not issue a binding order, but it could discuss human rights problems and make recommendations. Members had agreed to that in the Charter. This provision should not be whittled down.⁵

Senator Lodge said that he agreed with the objective of bringing the parties together. The paramount thing in the item was its symbolism and the gesture which we could make in connection with it. The United States had to be against segregation; we should say South Africa was wrong in this matter just as we are, and we could admit we were wrong. Under these circumstances, he said that if the Department would rather let someone else handle the item, it was agreeable to him. He simply wanted to make clear the spirit in which he would approach the matter. Mr. Hickerson said that he thought the matter was in good hands.

It was agreed that the Delegation should continue its discussion of this matter at a later meeting.

³ H. Lauterpacht, *International Law and Human Rights* (1950).

⁴ Article 2(7) reads: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matter to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII." For a lengthy and authoritative exposition of questions of application and interpretation of Article 2(7) in the first decade of the United Nations, see United Nations, *Repertory of Practice of United Nations Organs*, vol. 1, pp. 55-159 (New York, 1955).

⁵ For a cautious statement of United States attitudes on Article 2(7), with useful citations to Dumbarton Oaks and San Francisco documentation, see Ernest A. Gross, "Impact of the United Nations Upon Domestic Jurisdiction," Department of State *Bulletin*, February 29, 1948, pp. 259 ff. Mr. Gross was Legal Adviser of the Department at the time.

Editorial Note

Ad Hoc Political Committee consideration of the Indians in South Africa item began on November 14 and extended until November 20.

For the proceedings of the Committee on this matter, see United Nations, *Official Records of the General Assembly, Fifth Session, Ad Hoc Political Committee*, pages 247 ff. For the principal Committee documentation, see United Nations, *Official Records of the General Assembly, Annexes*, volume II, fascicule relating to agenda item 57 (hereafter cited as GA (V), *Annexes*, volume II, agenda item 57). The Indian proposal was submitted in the form of a joint draft resolution offered by Burma, India, Indonesia, and Iraq; *ibid.*, pages 2 and 3.

The United States made two statements during the Committee's deliberations. The first was made by Senator Lodge on November 17, in support of a five-power draft resolution submitted by Brazil, Bolivia, Denmark, Norway, and Sweden (for text, see *ibid.*, page 3); see GA (V), *Ad Hoc Political Committee*, page 275. The Lodge statement was made immediately after statements made by the sponsoring powers, underscoring United States support. The second United States statement was made by Minister John C. Ross of the United States Delegation on November 18, to register United States disapproval of amendments offered to the five-power ("Brazilian") resolution by Ecuador, Mexico, the Dominican Republic, Uruguay, and the Philippines (for text, see *ibid.*, page 285; footnote 2); see *ibid.*, pages 287 and 288.

320/11-2050 : Telegram

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

CONFIDENTIAL

NEW YORK, November 20, 1950—10:36 p.m.

Delga 324. Re treatment of Indians in South Africa: *Ad hoc* Committee today passed Brazilian resolution (Delga 297¹) with numerous amendments. Text substantially as follows:

"The General Assembly

Recalling its resolutions 44 (I) and 265 (III), relating to the treatment of people of Indian origin in the Union of South Africa,

Having considered the communication by the permanent representative of India to the Secretary-General of the United Nations dated 10 July 1950,

Having in mind its resolution 103 (I) of 19 November 1946 against racial persecution and discrimination, and its resolution 217 (III)

¹ Not printed.

dated 10 December 1948 relating to the universal declaration of human rights,

Considering that a policy of "racial segregation" (apartheid) is necessarily based on doctrines of racial discrimination;

1. *Recommends* that the governments of India, Pakistan and the Union of South Africa proceed, in accordance with resolution 265 (III), with the holding of a round-table conference on the basis of their agreed agenda and bearing in mind the provisions of the Charter of the United Nations and the universal declaration of human rights;

2. *Recommends* that in the event of failure of the governments concerned to hold a round-table conference before April 1, 1951 or to reach agreement in the round-table conference within a reasonable time, there shall be established for the purpose of assisting the parties in carrying through appropriate negotiations a commission of three members, one to be nominated by the government of the Union of South Africa, another to be nominated by the governments of India and Pakistan and the third nominated by the other two or in default of agreement between these two in a reasonable time by the Secretary-General of the United Nations;

3. *Calls upon* the governments concerned to refrain from taking any steps which would prejudice the success of their negotiations; in particular, the implementation or enforcement of the provisions of "the group areas act" pending the conclusion of such negotiations.

4. *Decides* to include this item in the agenda of the next regular session of the General Assembly."

US voted against operative paragraph 3 because of final clause and abstained on final paragraph of preamble, operative paragraphs 2 and 4, and final vote on entire resolution.

Vote on entire resolution: 26 affirmative, 6 negative, 24 abstentions. Vote on final clause operative paragraph 2: 27 affirmative, 12 negative, 17 abstentions. Vote on final clause operative paragraph 3: 24 affirmative, 14 negative, 18 abstentions.

Committee recessed after final vote on Brazilian resolution. Upon reconvening in afternoon Indian delegation withdrew its resolution reserving right to re-introduce in plenary.

Staff considers three provisions of resolution unsatisfactory: (1) final paragraph preamble; (2) final clauses operative paragraph 2; (3) final clause operative paragraph 3.

Department's views requested concerning position US should take in plenary and in particular whether advisable to attempt to amend resolution in plenary.

320/11-2250 : Telegram

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

SECRET

NEW YORK, November 22, 1950—11 p. m.

Delga 330. Indians in South Africa: Re above staff views tactics in plenary as follows:

1. US should oppose discussion in plenary. In this connection USDel advised South African delegation under instructions make long statement.

2. US should support request that paragraph[s] be voted separately and should abstain on last paragraph preamble and vote in negative on third operative paragraph of resolution.

3. US should discourage all proposed amendments for following reasons:

(a) In event of any amendments plenary discussion certain with usual irresponsible speeches;

(b) Practically impossible secure two-thirds majority necessary amend last paragraph preamble or third operative paragraph. However, at least an even chance that more than required third will vote negatively on third operative paragraph as it stands;

(c) In event amendments proposed India likely reintroduce its resolution which might carry.

(d) Further objectionable amendments might be introduced and carry.

4. While operative paragraph 2 is unsatisfactory, US should not oppose since defeat of this paragraph would eliminate recommendation of renewal of round table conference. It might not be difficult secure two-third majority to amend this paragraph. However, staff considers that attempt amend this paragraph alone likely open door to plenary discussion and additional amendments. Furthermore, the paragraph is not sufficiently objectionable to justify taking chances of reopening entire controversy in plenary.

5. While US should continue its role of remaining in background, USDel should in its discretion be permitted to inform states that voted negatively or abstained on unsatisfactory parts of resolution how it intends to vote in plenary.

6. Presumably as in plenary US would abstain on entire resolution if third operative paragraph approved. Department's views requested as to US vote on entire resolution if last paragraph preamble carries but operative paragraph 3 defeated.

AUSTIN

320/11-2450 : Telegram

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

SECRET

[WASHINGTON,] November 24, 1950—7 p. m.

Gadel 143. Re treatment of Indians in South Africa. Dept concurs recommendations Delga 330 re opposing discussion; discouraging amendments in plenary and support of request for para by para vote.

Dept believes US vote in plenary shld be as follows on questionable parts of res:

- a. Vote in favor second operative para.
- b. Abstain on last para preamble.
- c. Request vote by segments on 3rd para so as to separate last undesirable clause; vote against this clause.
- d. Abstain on res as whole unless both last para preamble and last clause para 3 eliminated. If both these sections are eliminated vote in favor of the resolution as a whole.

ACHESON

320/11-2050 : Telegram

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

SECRET

NEW YORK, November 29, 1950—4: 52 p. m.

Delga 345. . . .

[Here follows résumé of decisions by the United States Delegation at its meeting on November 29, on two prior agenda items.]

3. Treatment of Indians in the Union of South Africa:

It was noted that this item would arise during plenary sessions beginning December 1. Developments in *ad hoc* political committee leading up to adoption resolution described. It was explained that, following US abstention on paragraph 4 preamble and US negative vote on final clause operative paragraph 3, after these two provisions adopted, US had abstained in vote on resolution as a whole. Position outlined plenary brief (US/A/2909),¹ maintaining position US had taken in committee, presented to del for approval. It was noted this would mean abstention in event either two above provisions included, and otherwise affirmative vote.

Cohen expressed view US should vote for resolution regardless of inclusion these two paragraphs inasmuch as (a) US did not differ with assertion in paragraph 4 preamble but simply doubted effectiveness and relevance its inclusion; and (b) implementation of Group Areas Act would obviously prejudice negotiations between parties so that only ground on which US could even go so far as abstention

¹ Not printed.

was that such provision was unnecessary. Mrs. Sampson concurred in these views. She stated ambiguous position this resolution would put US in disrepute with colored peoples of world and display exactly the kind of weakness on racial issue of which Soviets already made unceasing propaganda capital. On other hand affirmative position would bring US positive credit throughout Asia.

Staff pointed out recommended US position was based upon belief that resolution including these two paragraphs would achieve nothing and upon fact that US support of resolution with such provisions would probably result in loss our present constructive influence on Union. Moreover, US would explain abstention, indicating its agreement with both disputed provisions but emphasizing belief they were not relevant to purpose of resolution. Others took view that since resolution likely to carry despite US position and was basically satisfactory, US should support resolution as means of using influence to encourage Union in negotiations with parties; US abstention might give Union ground to argue that, since powerful member UN had not supported resolution, it need not carry out GA recommendation. Distinction was drawn between position in committee and in plenary where it was unquestionably this resolution or nothing, with result abstention could only put US in awkward position.

Sparkman believed that original delegation decision on this item had been made on grounds that it was important not to antagonize Union and that moderate course presented best and only means for progress. Since UN had no coercive authority, it was important to proceed gradually, particularly in cases of this kind where national sovereignty was directly involved. Just such considerations lay behind position of Congress on Genocide Convention and Human Rights Covenant. For this reason he considered it unwise to attempt to force a resolution upon Union which could not be expected to obtain constructive results.

Cooper thought either abstention or negative vote on two paragraphs in question would be interpreted as indication US opposition to provisions and consequently supported inclusion both paragraphs.

Mrs. Roosevelt felt that if US must explain vote in terms proposed by staff, position was somehow wrong when we stated resolution represented position for which we stood but nevertheless abstained. She believed Department should be consulted on basis of views expressed during meeting and requested to weigh carefully the intrinsic values on both sides, both at home, and in our relations with Asian peoples, which, at this moment, were vastly more important than had been case even last week. Del agreed Department should be consulted in this sense.

Austin, Lodge, Dulles, Gross and Ross were not present at meeting.

AUSTIN

320/11-3050 : Telegram

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

SECRET

WASHINGTON, November 30, 1950—8 p. m.

Gadel 150. Reur 345 and treatment of Indians in South Africa. Dept has given careful consideration Del views on US voting position on res in Plenary. Dept believes US vote in plenary shld be as follows on questionable parts of res:

- a) Vote in favor second operative para;
- b) Abstain on last para preamble;
- c) Support vote in segments on third operative para. Vote against last clause. If last clause not eliminated abstain on para as a whole.
- d) Vote in favor of res as a whole whether or not last para preamble and last clause operative para three are eliminated.¹

ACHESON

¹ In the voting on the resolution by the General Assembly in plenary meeting on December 2, the United States Delegation voted as instructed herein except that no plenary vote was held on the third operative paragraph as a whole. For the proceedings of the General Assembly on this matter, see United Nations, *Official Records of the General Assembly, Fifth Session, Plenary Meetings*, vol. I, pp. 529 ff. For the text of the resolution as adopted (Resolution 395 (V)), see United Nations, *Official Records of the General Assembly, Fifth Session, Resolutions, 19 September to 15 December 1950*, p. 24.

IO Files : US/A/C.3/338

Memorandum by the Deputy Director of the Office of United Nations Economic and Social Affairs (Green) to Mr. David H. Popper, Principal Executive Officer of the United States Delegation to the General Assembly

RESTRICTED

[WASHINGTON,] December 22, 1950.

Subject: Post-Mortem on the Third Committee.

Box Score

The record of the United States Delegation during the seventy-six meetings of the Third Committee may be summarized as follows:

<i>Won</i>	<i>Lost</i>	<i>Tied</i>
Refugees	UNICEF	Human Rights Covenant
Prisoners of War	Freedom of Information Convention	Report of the Economic and Social Council
Radio Jamming and Freedom of Information During Emergencies	Election of High Commissioner for Refugees	Advisory Social Welfare Services

Despite the numerical equality of victories and defeats, the record as a whole is heavily weighted on the side of defeats: the three defeats were on major items, they were registered after the United States position had been made unmistakably clear, and two of them were by overwhelming majorities; two of the victories—prisoners of war and radio jamming—involved duels between the United States and U.S.S.R., with obvious political overtones; and one of the ties—the Human Rights Covenant—involved defeat of the United States position on a matter of major significance, the decision to include economic and social rights in the Covenant.

A brief comment on each item is set forth below:

Victories

Refugees.—The United States position prevailed in most of the topics debated under this heading, although we were compelled because of lack of time to accept reference of the Draft Convention to a conference of plenipotentiaries, rather than its completion in the Assembly itself. The final votes in the Third Committee were disappointingly small—25-5-15—because of the large number of abstentions in the Near Eastern and Latin American Delegations, and abstentions by interested governments, such as the United Kingdom, on purely technical grounds. Later votes in the Assembly were more satisfactory; 36-5-10 and 41-5-10.

Prisoners of War.—On this item the three sponsoring Delegations—Australia, the United Kingdom, and the United States—put the Soviet Union completely on the defensive and scored a resounding victory, 43-5-8. Although I originally had qualms about placing this item on the agenda and assigning it to the Third Committee, I now believe that the undertaking was worthwhile. By accepting numerous amendments submitted by the Near Eastern and Latin American delegations, while retaining the essential portions of our position, we were able to win considerable good will in the Committee.

Radio Jamming and Freedom of Information in Emergencies.—Radio jamming provided another field in which we put the Soviets on the defensive and greatly embarrassed the Soviet bloc.

Defeats

UNICEF.—This item provided the most decisive and embarrassing defeat for the Delegation, which found itself in a minority of eight in the Committee, and as the only abstainer in the plenary meeting. Our attempt to place UNICEF on a permanent basis, with emphasis on technical advice and assistance rather than on large-scale supply programs, received little support from any quarter. The other principal contributing countries—Australia, Canada, the United Kingdom, and the Scandinavians—were fearful of the financial commitments involved in long-term arrangements. The UNICEF staff, whose freedom of action was threatened by the United States proposal for integration of the staff in the United Nations Secretariat and for closer

collaboration with the specialized agencies, lobbied diligently for retention of the *status quo*. The underdeveloped countries, especially in the Near East and Middle East, charged that the United States was more interested in European children, who had been the principal beneficiaries of UNICEF, than in the children of the rest of the world. They, and indeed most other countries, are totally unfamiliar with the American concept of social services and are unwilling to substitute such services, even though accompanied by supplies, for large-scale supply programs. We were criticized on all sides for taking a much more restrictive position than at ECOSOC last summer, where we had negotiated a compromise resolution, for being preoccupied with minute details of drafting, and for threatening the Committee by our warnings that Congress might not appropriate funds unless the resolution was satisfactory to us. Although I remain convinced that our position was basically sound, I am inclined to feel, in retrospect, that we took too perfectionist an attitude on the exact language of the resolution and submitted too many amendments to the ECOSOC text.

Freedom of Information Convention.—Despite elaborate consultations before and during the Assembly, we found ourselves in a small minority on this issue. For this I have no regret, because I regard our position as entirely sound and do not see what more we could have done to make it clear. The United States simply has a different concept of “freedom of information” from that of most other countries.

Election of High Commissioner for Refugees.—The election of Mr. Goedhart over Mr. Kingsley was a surprise and a disappointment, as we had counted on twenty-eight votes, which would have been sufficient to prevail. We had urged the Secretary-General to submit only one name to the plenary and would have accepted his decision. Our defeat on this item arose from several different factors: a large number of delegations resented our asking for this post, as well as for the Agent Generalship in Korea, in addition to all of the other top positions occupied by Americans; Mr. Rochefort, who many delegations knew was to be appointed by Mr. Kingsley as deputy, made a highly unsatisfactory impression; and France contributed only its own vote to the support of Mr. Kingsley; all of the Committee Three members knew Mr. Goedhart and most of them liked him, whereas very few of them met Mr. Kingsley during the brief period he was at Lake Success; and several of the Latin American Delegations, although pledged to Mr. Kingsley, probably voted for Mr. Goedhart when at the last moment they learned that we were supporting the Burmese candidate rather than the Bolivian candidate for High Commissioner of Eritrea. This development probably lost us four votes.

Ties

Human Rights Covenant.—The final resolution followed the general pattern of the draft prepared by the United States and co-sponsored with Brazil and Turkey; and it included a number of points, including the federal-state clause, which we considered essential. We were defeated, however, in our efforts to exclude economic and social rights from the Covenant, to have the Human Rights Commis-

sion study the colonial clause, and to prevent asking the Commission to study the problem of self-determination of peoples.

ECOSOC Report.—Most of this material was non-controversial in character and was merely noted by the Committee, often without debate. We voted with the majority in defeating a resolution to replace the expert *Ad Hoc* Committee on Slavery by a commission representing governments; but we were defeated in our efforts to uphold the ECOSOC decision that the Subcommittee on the Prevention of Discrimination and Protection of Minorities and the Subcommittee on Freedom of Information and of the Press should not meet in 1951.

Advisory Social Welfare Services.—The Delegation voted with the majority on this item, which we strongly supported, but we were defeated in the Fifth Committee in our effort to hold the expenditures for 1951 to the level of those in 1950.

Reasons for Defeat

The blame for this unsatisfactory record most certainly does not fall on either Mrs. Roosevelt or Mrs. Sampson, who did everything possible to explain and argue the United States position, both in committee meetings and in informal conversations. Both representatives were personally popular; both entertained extensively, including many small luncheons; and both conversed frequently with other delegates. Nor did the fault lie, I believe, with United States advisers; for I can only pay tribute to the imagination and hard work which Mr. Pierrot, our area adviser, and the various *ad hoc* advisers devoted to their efforts to sell the United States position. The real causes for this series of major defeats lie elsewhere, as outlined below.

Special Characteristics of the Third Committee.—Many members of the Third Committee seemed to me to be motivated by deep emotional convictions rather than by the political considerations which are in evidence elsewhere in the assembly. They take very seriously the fact that the Third Committee deals with social, cultural, and humanitarian problems, and they take pride in discussing these problems on their own merits without regard to political considerations. Indeed the Third Committee acts as something of a "safety valve" for emotions that are stifled in the two political committees. In those two committees most of the small delegations feel obliged to follow the United States on almost every issue; in the Third Committee they take pleasure in voicing their independence and in functioning almost as though the "cold war" did not exist. Furthermore, they express resentment when anything resembling a "cold war" issue is introduced in the Committee—e.g., radio jamming and prisoners of war—and tend to take a neutral position and abstain in voting. Many delegates appeared to be without instructions or with only the most general instructions; and we have reason to believe that at least two delegates

voted on occasion contrary to their instructions. They tend to free-wheel as individual experts and to be swayed by the oratory of their colleagues.

Leadership of the Underdeveloped Countries.—Like the Fourth Committee, where I served in 1946 and 1947, the Third Committee is a forum for the underdeveloped countries and for those who oppose "colonialism". Most of the leaders of the Third Committee were eloquent exponents of the underdeveloped countries—Mr. Bokhari of Pakistan, the Vice President; Mr. Noriega of Mexico, the Rapporteur; Mr. Baroodi of Saudi Arabia, Mr. Azkoul of Lebanon, Mrs. Afnan of Iraq, and Mrs. Menon of India. We had not anticipated the vigor and bitterness of their disagreement with United States policies on almost every item, because the Near and Middle Eastern views had apparently not been fully expressed in the Social Commission and the Economic and Social Council. Many different debates had obvious overtones; the colored peoples in opposition to the white, the newly independent countries against the administering powers, and the underdeveloped against the industrialized nations. Many of them had overtones of the Palestine conflict as well, for several of the Arab representatives, especially Mrs. Afnan, had deep personal feelings on that issue which colored their approach to almost every item on the agenda. It is noteworthy that the principal leadership came from the Near East and Middle East, whereas the Far East made relatively little contribution to the work of the Committee. The spokesmen for the developed countries fought valiantly to express their points of view, but, being hampered by responsible financial policies and by logical, well-reasoned positions, they were rarely as effective as those on the other side. These factors were most apparent in the debate on UNICEF, but they affected the debates on many different subjects. When the Human Rights Covenant was under discussion, for example, the Committee devoted two or three sessions to the colonial clause in a debate which was really on the general problem of non-self-governing territories and which repeated almost verbatim the arguments which I have heard many times in the Fourth Committee and Trusteeship Council.

Absence of Soviet Opposition.—The Soviet Delegation and its four satellites took a relatively minor part in the work of the Committee except in connection with the two items—radio jamming and prisoners of war—where they were under attack. For the most part they expressed their usual positions in a relatively perfunctory manner. As a result, the other delegations did not coalesce into an anti-Soviet group, but were left free to carry on their battles against the United States.

Unpopularity of United States Positions.—On a number of issues the United States took positions which were well-considered and entirely logical but which simply did not appeal to the emotional outlook of the majority. In the debate on UNICEF, the United States position was based on sound administrative and financial considerations which the majority tended to disregard. With respect to the Human Rights Covenant and the Freedom of Information Convention, the United States positions were rational and well argued, but they were widely regarded as restrictive and conservative. At some points our Delegation seemed to the other delegations to stick too rigidly to precise details of drafting and to care more for the form than for the substance of the matter.

Lack of Support from the United Kingdom, France, etc.—In contrast to the Fourth Committee where I have been accustomed to working a small bloc of eight administering powers against the field, one has to cope in the Third Committee with a different alignment of delegations on each item. Frequent splits between the United States, the British Commonwealth, and the Western European powers made United States leadership a difficult matter. For example, the British and Australians deserted us on UNICEF; the British, on human rights and refugees; the French, on freedom of information; and the French and Benelux powers, on prisoners of war.

Absence of Adequate Liaison with other Delegations.—One contributing factor, although not a major one, was lack of adequate liaison with some of the other delegations. Mr. Pierrot did excellent work in consulting continuously with the Latin American delegations, and the *ad hoc* advisers and I made a special effort to work with the British, French, Australian, Canadian, and a few other key delegations; but contact with many other delegations was neglected. With the advantage of hindsight, I realize that I should have worked out for each item a separate schedule of liaison assignments so that all of the non-Soviet delegations could have been adequately covered.

Recommendations for the Sixth Session

The recommendations set forth below are not intended as criticisms of the operations this year, but as suggestions for consideration in the preparations next year.

1. Special attention should be given next year, in the preparation of position papers, to the political aspects of the papers. Wherever it is apparent, as in the case of UNICEF this year, that the United States will arouse deep resentment in a particular area, that position should be thoroughly reviewed in the regional bureau concerned in order that it may be presented to better advantage. The Third Committee should be regarded next year as a place where the United States

can further its *political* objectives by listening sympathetically to the underdeveloped countries and by meeting their requests wherever feasible. A special effort in the Third Committee to listen, to consult, to negotiate, and—when appropriate—to compromise in the Third Committee will pay political dividends.

2. Much more needs to be done in the field of diplomatic preparation for the next session of the Assembly. Consultation with some of the key governments should begin long before our position papers are finalized, and should be designed to provide for a genuine exchange of views and not just for transmission of the completed United States position. Our Missions abroad should be asked to consult not only with the foreign office, but also, if appropriate, with the government department primarily concerned in the subject matter and with the person who will represent his government in the Third Committee. The Mission in New York should also be asked to do much more in connection with pre-Assembly consultations. The Third Committee agenda items should be handled in separate instructions to the field and in separate conversations with other governments so that they are not overshadowed by the more spectacular political items. Most important, we should try to arrange with a few key delegations—e.g., Australia, Canada, United Kingdom, Mexico, Iraq, India, Pakistan—to undertake intensive talks at the opening of the General Assembly, preferably two or three days before the beginning of the session. We need particularly to try to reduce to an absolute minimum our differences with the United Kingdom, the old Dominions, and the Western European countries, in order to limit the formation of opposing blocs of underdeveloped countries and prevent their playing the other highly developed countries off against the United States.

3. An area adviser is needed in the Third Committee for the Middle Eastern group as well as for the Latin American delegations. It was a mistake to have assigned Mr. Pierrot to the Sixth Committee as well as the Third Committee, as these two committees have no problems in common. I recommend that next year two area advisers (Latin America and Near and Far East) be assigned exclusively to the Third Committee. These area advisers should spend several weeks in the Department and at the Mission before the session so that they can become thoroughly familiar with the substantive issues. The Executive Officer for the Third Committee should assume responsibility for liaison with a considerable number of delegations and should make certain with respect to each agenda item that all delegations are adequately covered.

4. A special effort should be made next year to see that our Delegation does not insist too rigidly on the precise drafting of resolutions. The Department's instructions should be as flexible as possible, with emphasis on broad objectives rather than on details. Our Delegation should work more closely with others in the preliminary drafting of texts, and should not always attempt to peddle a completed draft resolution.

5. The budgetary aspects of the Third Committee items need careful review, and the Department next year should give special attention to those items involving any or additional United States contributions. Such items should be appraised in terms of our general financial commitments to the United Nations and to foreign economic programs. Unless absolutely necessary, the Delegation should not be instructed to fight to the last ditch on items involving relatively small expenditures. The underdeveloped countries are obviously determined to get just as much money out of the United States as they possibly can; and it would be well for the United States, in recognizing this fact, to make provision in the funds available for overseas assistance and development for such relatively minor items as UNICEF and Advisory Social Welfare Services.

6. Consideration should be given to referring draft conventions to the Legal Committee, which is not characterized by the emotionalism outlined above. Every effort should be made in the preparatory work of subsidiary organs and in the Third Committee itself to explore avenues, as in the field of freedom of information, for achieving generally agreed objectives without creating the major dissensions, characteristically followed by disappointment and inaction, that result from a concentration on treaty-writing rather than on action programs.

7. One additional matter, which I suspect affects the work of the Delegation in other committees as well, is the need for concluding Delegation meetings in time for United States Delegates and Advisers to arrive at their committees well before the morning meetings begin. Day after day this year the Delegation meeting ran until 10:15 a. m. or even later, with the result that our group in the Third Committee was unable to carry on any preliminary talks with other delegations. The transportation situation will be different, of course, when the Assembly meets next year in Europe and later in Manhattan, but the matter will merit attention each year.

[Here follows an editing note.]

CANADA

EFFORTS TO NEGOTIATE CLOSER COOPERATION BETWEEN THE UNITED STATES AND CANADA IN DEFENSE, MILITARY PROCUREMENT, AND INDUSTRIAL MOBILIZATION ¹

742.5/1-2750

Memorandum of Conversation, by the Secretary of State

CONFIDENTIAL

[WASHINGTON,] January 27, 1950.

Participants: Mr. Hume Wrong, Ambassador of Canada
Mr. Dean Acheson, Secretary of State
Mr. George W. Perkins, Assistant Secretary of State

Ambassador Wrong stated that he wanted to discuss the possibility of changes in legislation of the United States in connection with the Canadian armament program. There were three objectives in which Canada was interested: (1) the simplification of the procedure now in force under which Canada can procure military equipment in the United States; (2) the possibility of additional US purchases of military equipment in Canada; and (3) through these means, the standardization of equipment between the United States and Canada.

He stressed the importance of proceeding immediately so that new items of equipment could be procured from common sources instead of perpetuating the differences which now exist in the equipment. He also stated that it would be very difficult for Canada to do this as fully as was desirable unless there was some purchasing by the United States in Canada so that they could thereby obtain dollars to make their necessary purchases in the United States. He stated that the Buy American Act was the principal difficulty, and that he felt the ideal solution would be an amendment to this Act.

I stated that I doubted if this were feasible, and that probably a separate act applying to Canada would be a more reasonable approach.

The Canadian Ambassador stated that Secretary Johnson ² had stated that he would be prepared to agree to recommend legislative changes to accomplish these purposes.

¹ For previous documentation, see *Foreign Relations*, 1949, vol. II, pp. 393 ff.

² Louis A. Johnson, Secretary of Defense.

711.56342/8-150

Memorandum by the Secretary of State to the President

SECRET

WASHINGTON, July 31, 1950.

In February 1949, you discussed with the Prime Minister of Canada¹ his government's desire for certain changes in the 1941 Agreement regarding the United States leased naval and air bases in Newfoundland.² I discussed this subject with the Canadian Minister for External Affairs on September 10, 1949,³ and as a result of this discussion the problem was referred to the Permanent Joint Board on Defense, U.S.-Canada, for settlement. This body carried on negotiations over a number of months and finally, on March 28-30, 1950, they joined in formal Recommendations to the two Governments for approval, as is customary.

As the Department of Defense was primarily concerned, the Recommendations of the Board were first transmitted to that Department, and there is attached a copy of a letter dated July 13, 1950 from the Secretary of Defense⁴ indicating his approval of the Recommendations as well as the concurrence of the Secretaries of the Army, Navy and Air Force.

I feel that these Recommendations are the best possible under the circumstances, and I recommend that you approve them for this Government.⁵ Following your approval, this Department will initiate action to put the Board's Recommendations into effect through an exchange of notes with the Canadian government.⁶

There are enclosed copies of the pertinent documents, including a letter⁴ addressed to you from Major General Guy V. Henry, U.S. Army, Retired, Acting Chairman of the United States Section of the Board.

DEAN ACHESON

¹ For text of the memorandum of President Truman's conversation with Prime Minister Louis S. St. Laurent on February 2, 1949, see *Foreign Relations*, 1949, vol. II, p. 393.

² For documentation on the negotiation of this treaty between the United States and the United Kingdom, see *ibid.*, 1940, vol. III, pp. 49 ff. and *ibid.*, 1941, vol. III, pp. 53 ff. For text of the agreement and exchange of notes signed at London, March 27, 1941, see Department of State Executive Agreement Series No. 235, or 55 Stat. (pt. 2) 1560.

³ Memorandum of conversation between Dean Acheson and Lester B. Pearson, not printed.

⁴ Not printed.

⁵ President Truman's handwritten notation on the original of this memorandum reads "Recommendation approved 8/1/50 HST." On the Recommendation attached to the memorandum President Truman wrote "Approved 8/1/50 HST."

⁶ The Recommendation is printed as part of the agreement between the United States and Canada respecting leased bases in Newfoundland, effected by exchange of notes signed at Washington, February 13 and March 9, 1952, 3 UST (pt. 3) 4271, or TIAS 2572.

742.5/9-2250

The Assistant Secretary of State for Congressional Relations (McFall) to the Chairman of the Senate Foreign Relations Committee (Connally¹)

CONFIDENTIAL

WASHINGTON, September 22, 1950.

MY DEAR SENATOR CONNALLY: I believe that you may be interested to learn of the general plans that have been made by the United States and Canadian Governments for combining their industrial resources in order to meet the demands of the present tense international situation. You may recall that under terms of the Hyde Park Agreement of 1941² between President Roosevelt and Prime Minister Mackenzie King, the two Governments cooperated very closely during World War II in such matters as military procurement, economic controls and the use of raw materials. This agreement and the arrangements worked out under it proved so successful that on April 12, 1949, when international conditions again appeared threatening, the Joint U.S.-Canada Industrial Mobilization Planning Committee was formed to make plans in case joint action of this type should again become necessary.

The increase in military requirements in both countries and the need for reimposition of economic controls resulting from the Korean war have now made it necessary to implement the plans made by the Joint Industrial Mobilization Planning Committee. Therefore, on August 8th, the United States Section of the Committee, upon which the NSRB and the Munitions Board were both represented, and their Canadian colleagues agreed that a set of principles should be adopted permitting close and effective cooperation between the two countries in this vital field of industrial mobilization. At that time such a statement of principles was prepared and it has now been approved both by the President and by the Canadian Cabinet.

It is planned to put these principles into effect through a covering exchange of notes in which each Government agrees to carry out, to the extent of its executive authority, the principles mentioned in the enclosure to this letter.³ Much of the action necessary to implement these principles can be taken under authority of existing legislation including the Defense Production Act. It is hoped that the notes may be signed sometime in October and at the same time it is also planned to make the statement of principles public.

¹ Tom Connally.

² For text, see Department of State *Bulletin*, April 26, 1941, pp. 494-495.

³ The text of the "Statement of Principles in Event of Emergency" referred to here was embodied in the Industrial Mobilization Agreement signed on October 26, 1950; see p. 588.

I think you will find the statement of great interest since a resumption of close cooperation with the Canadians such as we had during World War II will greatly increase our industrial mobilization potential.

Sincerely yours,

JACK McFALL

AGREEMENTS BETWEEN THE UNITED STATES AND CANADA

CLAIMS AGREEMENT BETWEEN THE UNITED STATES AND CANADA SUPPLEMENTING THE CONVENTION OF APRIL 15, 1935

[For text of Agreement effected by exchange of notes signed at Washington November 17, 1949, and January 24, 1950, which entered into force January 24, 1950, see *United States Treaties and Other Agreements* (UST), volume 3 (pt. 1), page 539.]

CONVENTION BETWEEN THE UNITED STATES AND CANADA RESPECTING DIVERSION OF WATERS OF THE NIAGARA RIVER

[For text of Convention signed at Washington February 27, 1950, which, subject to a reservation by the United States, entered into force October 10, 1950, when ratifications were exchanged at Ottawa, and which was proclaimed by the President of the United States, subject to said reservation, on October 30, 1950, see 1 UST 694.]

CONVENTION BETWEEN THE UNITED STATES AND CANADA RESPECTING HALIBUT FISHING VESSELS

[Convention extending port privileges to halibut fishing vessels on the Pacific coasts of the United States and Canada. For text signed at Ottawa, March 24, 1950, which entered into force July 13, 1950, when ratifications were exchanged at Ottawa, and which was proclaimed by the President of the United States August 2, 1950, see 1 UST 536.]

CONVENTIONS BETWEEN THE UNITED STATES AND CANADA RE- SPECTING DOUBLE TAXATION IN THE CASE OF INCOME TAXES AND OF ESTATE TAXES AND SUCCESSION DUTIES

[Conventions modifying and supplementing the convention and accompanying protocol of March 4, 1942, and the convention of June 8, 1944, signed at Ottawa, June 12, 1950. For texts of Conventions which entered into force November 21, 1951, when ratifications were exchanged at Washington, and which were proclaimed by the President of the United States, November 29, 1951, see 2 UST (pt. 2) 2235 and 2247, or TIAS 2347 and 2348.]

**AGREEMENT BETWEEN THE UNITED STATES AND CANADA
RESPECTING ESTABLISHMENT OF PACIFIC OCEAN WEATHER
STATIONS**

[For text of Agreement effected by exchange of notes signed at Washington, June 8 and 22, 1950, which entered into force June 22, 1950, see 1 UST 569.]

**INDUSTRIAL MOBILIZATION AGREEMENT BETWEEN THE UNITED
STATES AND CANADA**

[Agreement for coordination of the resources and production of the two countries for the common defense. For text of Agreement effected by exchange of notes signed at Washington, October 26, 1950, which entered into force on the same date, see 1 UST 716.]

THE AMERICAN REPUBLICS

VIEWS WITHIN THE DEPARTMENT OF STATE REGARDING UNITED STATES POLICY TOWARD THE AMERICAN REPUBLICS AS A GROUP

Miller Files, Lot 53 D 26

Unsigned Draft Memorandum Prepared in the Department of State

RESTRICTED

[WASHINGTON,] January 4, 1950.¹

BRIEFING MATERIAL FOR SECRETARY ²

A. GENERAL

1. *Organization:*

The first problem which we were faced with in ARA was obviously that of organization. When our new organization chart is published effective January 16³ it will have taken us nearly seven months to complete the organization of ARA. The most significant changes are as follows: Creation of positions of Assistant Secretary and Deputy Assistant Secretary for Inter-American Affairs; naming of full-time ambassadors (Daniels and Nufer⁴) to COAS and IA-ECOSOC respectively; implementation of Hoover Commission recommendations⁵ by transfer to ARA of Public Affairs Staff from P,

¹ An earlier version of this memorandum, substantially identical but not headed "Briefing Material for the Secretary," is dated December 30, 1949.

² In his summary of the Secretary's morning meeting held January 3, 1950, Carlisle Humelsine, Director of the Executive Secretariat, had reported in part that the Secretary had asked for briefing material on all areas of the world as a basis for a policy review before the Congressional committees concerned with foreign affairs. Mr. Humelsine had continued: "The Secretary indicated that he wanted to know more about the situation in South America. He said he was rather vague on this particular point. He wanted to know whether they were richer or poorer, going Communist, Fascist or what? He said he would like to be carefully briefed on this entire area." (Executive Secretariat File)

Although there is no definite indication that the draft printed here reached the Secretary, a memorandum of January 3 by Willard F. Barber, Deputy Assistant Secretary of State for Inter-American Affairs, indicated that all briefing material from his Bureau was to be given Mr. Humelsine by January 5. (Lot 53 D 26, Folder "Policy")

³ For the organizational table of the Bureau of Inter-American Affairs included in Press Release No. 30 of January 11, see Department of State *Press Releases*, 1950, under date.

⁴ Paul C. Daniels and Albert F. Nufer.

⁵ A guide to published and unpublished materials concerning foreign affairs of the Commission on Organization of the Executive Branch of the Government is printed in its *Concluding Report*, (Washington: Government Printing Office, 1949), p. 76.

fifteen officers from E and four officers from A. Illustrative of extent of reorganization of ARA is the fact that out of the six top officers who will constitute ARA delegation to the Conference of Ambassadors in Habana,⁶ five have assumed their duties since June and none of the jobs occupied by them was in existence prior to that time. All five nevertheless have extensive experience in Latin American Affairs.

2. *Attention to Latin America:*

The first problem vis-à-vis Latin America which had to be dealt with was the feeling on the part of the Latin Americans that since the end of the war the U.S. had become preoccupied in other parts of the world and had lost interest in hemispheric affairs. This has been dealt with in the following ways: (1) Secretary Acheson's speech of September 19, 1949⁷ before the Pan American Society which constituted the most complete restatement of Latin American policy in many years. Although the speech attracted relatively little attention domestically, it was hailed throughout Latin America as constituting in itself a reversal of what they had feared was our attitude of neglect. (2) President Truman's reception of the Ambassadors to the OAS on October 12 when he reaffirmed the principles of Mr. Acheson's address.⁸ (3) The personnel changes referred to above, including the appointments of full-time representatives to the COAS and IA-ECOSOC. (4) The program of visits of Assistant Secretary Miller to Latin America. Mr. Miller has to date visited eight of the twenty countries and his present schedule calls for visits to all twenty countries by the end of his first year in office. Although these visits likewise have attracted little attention in this country, an indication of the enthusiasm with which they have been received in Latin America is indicated by the fact that during his four-day visit in Chile newspaper coverage of his visit amounted to 2500 column inches. Particular enthusiasm has been attracted by Mr. Miller's visit to Ecuador following the earthquake and his attendance, together with Congressmen Battle and Jackson, at the inauguration of President Ulate of Costa Rica.⁹ (5) Invitation to President Gonzalez Videla to visit the United States and indication that President Truman might return his visit during his present administration.¹⁰ The high standing

⁶ Held January 18-20, the Conference included U.S. Ambassadors to countries of Central America and the Caribbean. A record of its proceedings is filed under 120.43/1-2050.

⁷ Text of the address, "Waging Peace in the Americas," is printed in the Department of State *Bulletin*, September 26, 1949, p. 462.

⁸ Text printed *ibid.*, October 31, 1949, p. 664.

⁹ Laurie C. Battle of Alabama and Donald L. Jackson of California, both on the House Committee on Foreign Affairs, were members of the delegation (headed by Mr. Miller) to the inauguration of President Otilio Ulate Blanco, November 8, 1949.

¹⁰ For information regarding President Videla's visit to the United States of April 12 to May 3, 1950, which was not returned by President Truman, see the editorial note, p. 785.

of Gonzalez Videla among Latin American presidents has caused his trip to this country to be viewed as an indication of our sympathy towards democratic regimes.

The proposed Regional Conferences at Habana and Rio¹¹ have been well received. Likewise the proposed visits to Latin American countries of Ambassador Austin and Mr. Kennan.

As a result of the foregoing, newspaper comment in general in Latin America in recent months has been decidedly favorable towards what they generally call a new orientation in United States policy towards Latin America. Likewise, there has been some increase in press coverage and editorial comment on Latin American affairs in this country. However, most of the steps enumerated above are in the psychological field and will have to be followed by specific acts of economic cooperation in order that the momentum will not lag.

3. *Political Instability:*

Press coverage of Latin America in this country has been directed primarily towards recent manifestations of political instability in Latin America. These include, during the last six months: unsuccessful military revolutions in Bolivia and Guatemala, successive political disorders in Paraguay, the recent series of Presidents in Panama and the very serious disorders in Colombia culminating in an election held under a state of siege from which one major party abstained.

In general the press in this country has tended to lump all of these occurrences together and to add them to previous military coups in Venezuela and Peru as indicating a trend towards fascism in Latin America.

Political instability obviously is one of the most serious factors deterring economic development in Latin America and the concomitant problem of recognition of *de facto* governments is probably the thorniest one with which we have to deal. There has been considerable misunderstanding of our recognition policy and there has been a tendency particularly among liberals in the United States and Latin America to construe our maintenance of diplomatic relations with governments, such as those of Venezuela and Peru, as indicating we are on the side of dictatorships.

Furthermore, there is a tendency to attribute many of these disturbances to Argentine influence, a tendency which we believe strongly overemphasizes the influence of Argentina in this Hemisphere.

Rather than constituting a trend towards fascism in this Hemisphere, it is our belief that all of this is the result of the impact of a new social consciousness on a society which until relatively recently had been comparatively static for centuries. The most important in-

¹¹ The Rio Conference of the United States Ambassadors to the 10 Republics of South America met March 6-9, 1950. A record of its proceedings is filed under 120.43/3-950.

fluence on this social consciousness is the United States. The impact of these new ideas on such a society has in our view projected an excessively rapid trend towards the adjustment of social rights which could not but result in a greater degree of political instability. This instability has been accentuated by the fact that some leftist parties upon accession to power have not proceeded with the responsibility that might have been expected.

In addition, it might be commented that there have been a number of favorable political developments in Latin America recently. These include the return to constitutional government in Costa Rica, the successful resistance of military coups on the part of the comparatively democratic governments of Bolivia and Ecuador, the favorable development away from one-man rule in Honduras and the recent trends towards constitutional forms in both Peru and Venezuela. This, of course, should be viewed in the light of the continued political stability in key democratic countries such as Brazil, Uruguay, Chile, Mexico and Cuba.

Insofar as concerns our recognition policy, we believe that no clearer proof of its correctness can be adduced than the recent step towards return to constitutional government in Venezuela ¹² which in our view has been accomplished in some measure by the presence in that country and the efforts of Ambassador Donnelly. The main problem with which we are faced in connection with the recognition of *de facto* governments is to obtain proper popular understanding of our policy. We believe that the very successful consultation which we carried out in connection with the Panamanian situation has helped immeasurably in this regard. It should be pointed out that with the exception of Cuba and Venezuela, no country in the Hemisphere recognized the Arias Government ¹³ until after the termination of our inter-American consultation and the communication to the other governments of our decision to proceed with recognition. Several of the governments, including even Cuba and Uruguay, accompanied their recognition by statements parallel to ours to the effect that recognition did not constitute approval.

During the last six months Communist penetration does not appear to have made gains in Latin America and we believe these efforts have lost ground. The recent "peace conference" in Mexico was not successful and may have boomeranged.

Communist influence in the trade union movement has continued to lose ground. A potential development of great significance is the proposal recently discussed with us by the director of the Liberal

¹² On November 22, 1949, the Venezuelan Government had announced the partial restoration of constitutional guarantees and had outlined plans for local elections.

¹³ The Government headed by President Arnulfo Arias, in office from November 24, 1949, had been recognized by the United States on December 14.

Party of Colombia¹⁴ to cause the affiliation with the CIT (anti-Communist international trade union) of the *Confederación de Trabajadores Colombianos* which has heretofore refused to join the CIT, largely because of Communist pressure. This has been inspired to a great degree by the success of the recent London labor conference but even more may have been brought about by the realization on the part of the Liberal Party of their vulnerability to public criticism because of the role of Communism in their ranks. So far this is the only bright spot that has arisen from the recent difficulties in Colombia.

4. *Financial Problems:*

The dollar shortage was a key problem for most Latin American countries in 1949 and will be a continuing one until a solution is found to the basic distortion of the Latin American trade pattern. Although Latin America was successful during the first three years after the war in offsetting imports with a comparable value of exports, this area during the same period had a trade deficit of 2.7 billion dollars with the United States. This deficit was financed in part by Latin American drawings on its gold and dollar reserves and in part by utilization of gold and dollars paid by Europe in settlement of Latin America's favorable trade balance with that area.

Since the gold and dollar reserves of both Latin American and European countries reached the danger point in 1948, availabilities for settlement of Latin America's trade balance with the United States have largely been limited to the dollars accruing from ECA offshore purchases for European consumption. With the progressive reduction in United States financial assistance to Marshall Plan countries, it has been imperative to find a means by which Latin American countries can obtain the volume of import goods essential to their economic development and to the maintenance of a reasonable standard of living for their peoples.

In part, the solution lies along the lines of a further expansion of United States imports of Latin American goods and in an accelerated rate of United States private and public investment in sound projects. In perhaps greater part, the solution depends on the ability of the ERP countries to regain their role as a principal supplier of Latin America's requirements for capital and other manufactured goods. With the expansion in European industrial production, the gradual improvement of marketing organization and the improved price situation resulting from devaluation, progress has been made in this field. Much more is needed, particularly in view of the fact that many commodities of vital importance in Latin American trade are expected to be in long supply in the next few years, including especially sugar, petroleum, tin, copper and rice.

¹⁴ Carlos Lleras Restrepo.

5. *Economic Development:*

The single problem which most affects our relations with Latin America is their desire for capital from the United States for economic development. There is a tendency to measure the extent of our interest in their welfare according to the extent to which we advance public funds for economic development. There has been a tendency in Latin America and among critics of our Latin American policy in this country to minimize the extent of our contribution in this field largely because of the small amount of funds advanced as compared with the amount of ERP assistance to Europe. This, of course, is an illusory test since the problems are different. Nevertheless, in the past our Government has tended to compound the mistaken analysis of the problem by speaking of relative priorities of different areas of the world. Actually, no loan application has ever been turned down by either the Export-Import Bank or the International Bank on the ground of lack of funds and the aggregate capital available in the two Banks exceeds the absorptive capacity of Latin America for some time to come. During the last six months in excess of 94 million dollars of loans have been made to Latin America by the two institutions, as compared to 114 million dollars during the first six months of 1949. A number of additional loan applications are nearing point of final action.

Although the loans which have been granted have evoked some degree of satisfaction in Latin America, it should be recognized that that there is some merit in the Latin American complaint that loan applications are processed slowly and that they have gotten a very small amount of the total pie. While much of this is due to failure on the part of some of the countries to present adequate plans and projects, this does not appear to be a sufficient answer to their complaints. We must take a more positive and helpful attitude in helping the Latin Americans to plan for economic development and to get up sensible projects. The technique followed in the case of the Abbink Mission¹⁵ to Brazil and the Currie Mission¹⁶ to Colombia may be resorted to usefully in the future.

6. *Private Investment:*

The greatest single obstacle to economic development in Latin America is the slow rate of foreign private investment. This is due to two factors. The one of most importance is the absence of a favor-

¹⁵ For documentation concerning the Joint Brazil-United States Technical Commission, see the memorandum of March 17, 1949, by the U.S. Co-Chairman, John U. Abbink, to Secretary Acheson, *Foreign Relations*, 1949, vol. II, p. 552.

¹⁶ For information regarding the Currie Mission, see International Bank for Reconstruction and Development, *Fifth Annual Report (1949-50)* and *Sixth Annual Report (1950-51)*, pp. 23 and 34-35, respectively.

able climate for private investment in those countries. The second is the fact that profits from foreign investment are taxed in this country at the same rate as profits from investments here.

As to the first obstacle, some indication of the reluctance in Latin America to create a really favorable climate is indicated by the fact that to date we have been able to sign only one treaty of economic development, namely the recent treaty with Uruguay. We look forward, however, to the fact that the Uruguayan precedent may accelerate the negotiation of further treaties. If the Uruguayan treaty should be followed by the conclusion of a treaty with Brazil, then more may follow. There is a suggestion in the Herter Bill that these treaties should in fact be imposed on foreign countries through the withholding of economic assistance from countries with which we have not such treaties. In our view this would be harmful to our relations with Latin America where the feeling already exists that our economic assistance comes too slowly. Furthermore, a treaty imposed in this way would not in our view be worth very much.

As to the tax problem, a treasury delegation has recently concluded a successful negotiation with Colombia which for the first time includes some tax incentives for foreign private investors. (This is for background only since the Treasury Department has not yet accepted Mr. King's draft.) The negotiation of this treaty may be followed by others.¹⁷

A final factor involving private investment is lack of assurance of exchange convertibility for profits. In our view the enactment of the guarantee legislation would be of great value. This legislation has been opposed by business groups primarily because of the fear that guaranteed investments would be favored over other American investments in the particular country. We do not believe that this fear is justified since it is the intention of the Export-Import Bank to negotiate agreements with other countries providing for equality of treatment for both types of investments.

7. Technical Assistance:

The announcement of the Point Four Program has had a tremendous impact psychologically in Latin America. There are no programs in the area which are doing more to get at the grass roots than the programs of the Institute of Inter-American Affairs and the Interdepartmental Committee on Scientific and Cultural Cooperation. At the present time much more could be done if more funds were available. Among other things, we could do more to help get

¹⁷ For pertinent information, see the memorandum by Sheldon T. Mills, Director of the Office of North and West Coast Affairs, of a conversation held April 5, 1950, p. 814.

up sensible programs for economic development, including some badly needed ones of modest scale. Consequently, it is hoped that the Congress will promptly approve the Technical Assistance Program.¹⁸

8. *Security Problems:*

The last six months have been marked by continued insecurity and bickering in the Caribbean area. The Secretary's speech of September 19 had some effect on this problem and a diminution of activity has occurred in Costa Rica and Guatemala. However, the recent flare-up between the Dominican Republic and Cuba and the Dominican Republic and Haiti are a source of concern. In the case of Cuba and the Dominican Republic, both sides have overplayed the trouble for the sake of internal political advantage. Consideration of the situation is continuing before the Inter-American Peace Committee and much of the excitement, having been artificially stimulated, has died down.

However, at the same time there has been trouble between Haiti and the Dominican Republic in which President Trujillo seems to have been involved. The Haitian Government has invoked the Rio Treaty and it is probable that the situation will be considered by the Council of the Organization of American States as Provisional Organ of Consultation under the Rio Treaty.¹⁹ We are hopeful that constructive results will follow as in the case of the Council's consideration in the same manner of the Nicaragua-Costa Rican incident last year.²⁰

At the other end of the Hemisphere, we continually hear complaints from the countries bordering on Argentina as to the latter's subversive activities. These accusations came to a head in connection with the MNR revolution in Bolivia²¹ last August and September at which time Bolivia, Chile and Uruguay all complained to us of Argentine complicity in the revolt. It is impossible to assess the accuracy of these charges. The best guess is that there was some assistance to the

¹⁸ For text of the Act for International Development, approved June 5, 1950, see 64 Stat. 204.

¹⁹ For text of the Inter-American Treaty of Reciprocal Assistance, which entered into force for the United States on December 3, 1948, see Department of State Treaties and Other International Acts Series (TIAS) No. 1838, or 62 Stat. (pt. 2) 1681.

For documentation pertinent to the charges brought against each other by the Dominican Republic and Haiti, see pp. 641 ff.

²⁰ For pertinent documentation, see *Foreign Relations*, 1948, vol. ix, pp. 488 ff. Text of the Pact of Amity between the two countries is printed in *Annals of the Organization of American States*, 1949, p. 204.

²¹ For pertinent documentation on this subject, see *Foreign Relations*, 1949, vol. II, pp. 525 ff.

revolutionaries from within Argentina although probably not at the instigation of the Argentine Government. At the same time, there is no doubt that Chile, Bolivia and Uruguay—and, on occasion, Brazil—use Argentina as a whipping boy in the effort to obtain favors from us.

9. *Arms:*

One of the most difficult problems which we are faced with in connection with Latin America, particularly within our Government, concerns the sale of arms. We now have no statutory authority to extend military assistance except the provision in the MAP act²² permitting the NME to make its procurement facilities available to Latin America. With the possible exception of Venezuela, no country in the Hemisphere has enough funds to afford to buy arms for cash. At the same time, the armed services are extremely anxious to bring about unification of types of armaments throughout Latin America and to keep out foreign military missions which are generally selected from the country which supplies arms. The presence of these military missions in turn generates a desire on the part of the foreign government to obtain arms.

The Department of State exercises primary responsibility for the administration of the control of the export of munitions. We periodically consult with the NME on applications but this consultation is on an *ad hoc* basis and in our experience it has been the usual tendency of the armed forces to certify virtually every proposed arms shipment as being necessary to the defense of the foreign country concerned. A recent case in point is the support by the Department of the Air Force of applications on the part of American suppliers to ship 4 jet planes to Peru and 18 fighter planes to Guatemala.²³ At the same time, both of these countries are requesting and receiving financial assistance from this country for economic projects.

This has been an extremely difficult problem for us and we propose to use these specific instances to bring about an entire review of the problem with the NME in the hope that we can arrive at certain definite criteria in determining the validity of applications for arms to Latin America.

[Here follows a section on particular country problems.]

²² The Mutual Defense Assistance Act of 1949, approved October 6; 63 Stat. 714. Documentation on the overall United States military assistance program is scheduled for publication in volume I.

²³ Information on the resolution of the Peruvian request is contained in footnote 1 to Mr. Miller's memorandum of June 1, 1950, *ibid.*

For pertinent documentation regarding Guatemala's request, see the memorandum of a conversation held December 29, 1950, by Ernest V. Siracusa, Assistant Officer in Charge of Central America and Panama Affairs, p. 928.

PPS Files,¹ Lot 64 D 563

*Memorandum by the Counselor of the Department (Kennan) to the Secretary of State*²

SECRET

[WASHINGTON,] March 29, 1950.

MR. SECRETARY: Below are some views about Latin America as a problem in United States foreign policy, as these things appear to me at the conclusion of a visit to some of the Latin American countries.

I would not want it thought that I am over-rating this sort of a "Cook's Tour", as a basis for judgment, or that this report purports to represent a "study" of Latin America. By and large, my opinions remain what they were before and what all our opinions must be when they relate to areas with which we have little personal acquaintance: shots in the dark, based mainly on instinct and general experience. But we must have *some* opinions, well-founded or otherwise; and mine are presumably not *less* valuable by virtue of the fact that the trip enabled me to devote more time and thought to these matters than would ever have been possible in Washington, and to try out ideas on a large number of knowledgeable people.

I. Relationship of Latin America to our Global Policies

As I see it, the principal ways in which Latin America fits in to our general policy problems are two:

A. As an important part of the non-communist international system.

Our relationship to Latin America occupies a vitally important place in our effort to achieve, within the non-communist world in general, a system of international relationships, political and economic, reasonably adequate to the demands of this post-war era, and henceforth qualified to serve as a rebuttal of the Russian challenge to our right to exist as a great and leading world power.

This general purpose cannot be achieved unless fairly successful relationships can be maintained between the Latin American countries, on the one hand, and our own country, as well as other parts of the non-communist world, on the other. If the countries of Latin America should come to be generally dominated by an outlook which views our country as the root of all evil and sees salvation only in the destruction of our national power, I doubt very much whether our general political program in other parts of the non-communist world could be successful. This consideration gains cogency by virtue of the inordinately powerful position enjoyed by the Latin American countries in

¹ Master file of documents, drafts, records of meetings, memoranda, and related correspondence for the years 1947-1953 of the Policy Planning Staff.

² For the author's account of the background and reception of this report, see George F. Kennan, *Memoirs: 1925-1950*, (Boston: Little, Brown, and Company, 1967), pp. 476-484.

the Assembly of the United Nations.* Similarly, we will not be able to say that we have coped creditably and successfully with post-war problems in the non-communist world unless we are able to assure a fairly successful economic relationship between the peoples and resources of Latin America and those of other non-communist areas. This applies particularly to the older and over-populated industrial areas of England, Western Europe and Japan.

B. *As an important element of our strategic position in the event of war.*

While there are some fairly common and serious misunderstandings as to the *nature* of the importance to us of Latin America in the event of war with the Soviet Union, there is no question of that importance itself.

This is only in minor degree a question of bases, since Latin America offers little in this respect which could be of serious interest to the Russian adversary in the light of existing military realities. It is also no longer, to the degree that it once was, a problem of the defense of the Panama Canal and of assuring the fusion of our naval power in the two oceans, although that is still important. Finally, it is definitely not a question of the possible mobilization of Latin American military strength against us. In these days, when apprehensions of Soviet military expansion assume such fantastic forms, we would do well to remember that not even the Russians can create military strength where the essential components of that strength, in manpower, in industrial background and in native leadership are lacking.

The military significance to us of the Latin American countries lies today rather in the extent to which we may be dependent upon them for materials essential to the prosecution of a war, and more importantly in the extent to which the attitudes of the Latin American peoples may influence the general political trend in the international community. This general political trend will unquestionably be an important determinant of the final world-wide results of another major military conflict.

In general, but particularly at the present juncture, the psychology of a large part of the international community is a band-wagon psychology in which nothing succeeds like success. If, in the initial stages of a military conflict between Russia and the Atlantic Pact group, the general pattern of allegiance of the Latin American countries to ourselves were to be seriously disturbed and a considerable portion of Latin American society were to throw its weight morally into the opposite camp, this, together with the initial military suc-

*The relatively high fragmentation of sovereignty in this area, as compared with other areas of the world, means that there are probably more Assembly votes for Latin America, per unit of population and economic power, than anywhere else in the world. As a group, they are today the most important single voting bloc in the Assembly. [Footnote in the source text.]

cesses which the Russians would presumably have in Europe, might well turn the market of international confidence against us and leave us fighting not only communist military power but a wave of defeatism among our friends and of spiteful elation among our detractors elsewhere in the world. This is particularly serious because in a war which, in its early phases, turned against us and excluded us temporarily in large measure from access to the Eurasian land mass, our people would probably be in no mood for patience with other governments in this hemisphere; and manifestations of hostility or collaboration with the enemy, among these governments, might well produce violent reaction on our side.

II. *General Considerations*

The beginning of wisdom in Latin American affairs is distrust of the generality; for the differences among the Latin countries are so often more significant than the similarities. There are, nevertheless, certain appreciations concerning the area as a whole which strike the casual visitor with a heavy, melancholy force and claim the right to a sort of precedence in all his thinking about it.

It seems to me unlikely that there could be any other region of the earth in which nature and human behavior could have combined to produce a more unhappy and hopeless background for the conduct of human life than in Latin America.

As for nature, one is struck at once with the way in which South America is the reverse of our own North American continent from the standpoint of its merits as a human habitat.

North America is broad and ample in those temperate regions which are most suitable to human life. As one moves southward into the subtropical and tropical zones, it tapers off to the narrow and mountainous Isthmus, which is a part of Latin America.

South America, on the other hand, is wide and vast in those portions of it which are close to the equator and least suited to human habitation, and it is the temperate zone into which the continent narrows at its southern extremity, pinching off with a fateful abruptness the possibilities for a vigorous and hopeful development of human society.

In North America, the Mississippi drains and serves the great basin of fertility which is the heart of the continent. The Amazon, on the other hand, reaches great fingers into a region singularly hostile to human activity.

In North America, the great country which stands in the center of the continent is highly developed, with a dense network of communications, and is well qualified to act as a bond for the continent as a whole. In South America, the great pathless expanse of central Brazil, around the periphery of which the other countries are ar-

ranged, acts rather as a barrier to their mutual access and communication.

In North America, climate has permitted urban life to be led on the plains, in an organic intimacy with its natural hinterland. In South America, climate, together with Castilian tradition, has pressed a number of the more important urban communities up into poorly accessible mountain sites, at the price of a tragic and ineradicable artificiality.

Against this unfavorable geographical background, which would have yielded only to the most progressive and happy of human approaches, humanity superimposed a series of events unfortunate and tragic almost beyond anything ever known in human history. The Spaniards came to Latin America as the bearers of a national and cultural development which was itself nearing its end; a development in which many of the more hopeful origins had already died and little was left but religious fanaticism, a burning, frustrated energy, and an addiction to the most merciless cruelty. To those portions of the New World where an Indian civilization was already in existence, they came like men from Mars: terrible, merciless conquerors—the bearers of some divine punishment—whose sympathy and understanding could never be enlisted for local traditions or institutions, and to whom the only possible relationship was one of tragic and total submission, involving the abandonment of all prior attachments and customs.

Human history, it seems to me, bears no record of anything more terrible ever having been done to entire peoples. The shock to the national consciousness was profound and irreparable. Here, something was violently broken which was essential to the hopeful development of human society; and the effects of that terrible rupture was destined to endure through the generations, to a point in time which we cannot yet clearly foresee. Here is the true illustration of the crimes of the fathers being visited on their progeny; for, as the Spaniards intermarried with these native peoples the course of whose history had so ruthlessly been interrupted, they came to share the scars and weaknesses which they had themselves inflicted.

Elsewhere in Latin America, the large scale importation of Negro slave elements into considerable parts of the Spanish and other colonial empires, and the extensive intermarriage of all these elements, produced other unfortunate results which seemed to have weighed scarcely less heavily on the chances for human progress.

In these circumstances, the shadow of a tremendous helplessness and impotence falls today over most of the Latin American world. The handicaps to progress are written in human blood and in the tracings of geography; and in neither case are they readily susceptible of obliteration. They lie heavily across the path of all human progress;

and the answers which people have suggested to them thus far have been feeble and unpromising.

These bitter realities are ones which people cannot face fully and constantly. Human nature, with its insistence that life must go on, represses the consciousness of these things, turns away from them in healthy revulsion, and seeks to balance them out by over-compensation. Thus the inordinate splendor and pretense of the Latin American cities can be no other than an attempt to compensate for the wretchedness and squalor of the hinterlands from which they spring. And, in the realm of individual personality, this subconscious recognition of the failure of group effort finds its expression in an exaggerated self-centeredness and egotism—in a pathetic urge to create the illusion of desperate courage, supreme cleverness, and a limitless virility where the more constructive virtues are so conspicuously lacking.

For the foreign representative, this presents a terrible dilemma. In an environment which ill supports the naked face of reality, he cannot get very far with the sober and obvious concepts which are his stock of trade in other parts of the world. He must take these neuroses as the essence of the medium in which his activity must proceed; and he must bear in mind that every impulse which he gives to his activity must, if it is to be successful, find its translation into the terms of a world where geography and history are alike tragic, but where no one must ever admit it.

Thus the price of diplomatic popularity, and to some extent of diplomatic success, is constant connivance at the maintenance of a staggering and ubiquitous fiction: the fiction of extraordinary human achievement, personal and collective, subjective and objective, in a society where the realities are almost precisely the opposite, and where the reasons behind these realities are too grim to be widely or steadily entertained. Latin American society lives, by and large, by a species of make-believe: not the systematized, purposeful make-believe of Russian communism, but a highly personalized, anarchical make-believe, in which each individual spins around him, like a cocoon, his own little world of pretense, and demands its recognition by others as the condition of his participation in the social process.

Confronted with this phenomenon, many non-Latin diplomatists first pause in dismay; for they see that only by accepting it can they achieve many of their purposes. Yet to plunge deeply into it, as many finally do, is to lose one's self in a sort of Alice's Wonderland, where normal relations between cause and effect have lost their validity, where nothing may be judged on its actual merits, where no idea has more than a relative integrity, where real things receive recognition only by their relation to the diseased and swollen human ego, where nothing is ever wholly finished because things are never more than

symbols and there is no end to those things which are the objects of the symbols.

Here, for the sensitive foreigner, there are only three forms of escape: cynicism, participation, or acute unhappiness. Most foreign representatives find refuge in a combination of all three.

III. *Communism*

A. *Significance*

It may seem illogical to start with the negative subject of communist activities in the Latin American area, because in theory the emphasis of our policy must continue to be laid on the constructive, positive features of our relationship; and no more here than in any other part of the world can a successful policy be founded exclusively, or mainly, on just a negative combatting of communist activities.

Nevertheless, as things stand today, the activities of the communists represent our most serious problem in the area. They have progressed to a point where they must be regarded as an urgent, major problem; and a correct understanding of their significance is basic to an understanding of the other phases of our policy problems.

A correct appraisal of the significance of communist activities in this hemisphere is difficult to achieve, because it is beset with temptations to error on both sides: that is, both in overestimation and underestimation. It is true that most of the people who go by the name of "communist" in Latin America are a somewhat different species than in Europe. Their bond with Moscow is tenuous and indirect (proceeding, as a rule, through at least one other Latin American capital besides their own, and then through Paris). Many of them are little aware of its reality. For this reason, and because their Latin American character inclines them to individualism, to indiscipline and to a personalized, rather than doctrinaire, approach to their responsibilities as communists, they sometimes have little resemblance to the highly disciplined communists of Europe, and are less conscious of their status as the tools of Moscow. The Moscow leaders, we may be sure, must view them with a mixture of amusement, contempt and anxiety.

It is also true that in no Latin American country, with the possible exception of Guatemala, does there seem to be any serious likelihood that the communists might acquire the strength to come into power by majority opinion.

Finally, even though the communists should come into power in one of these countries, that would not be the end of the story. If such an experiment remained isolated—that is, if their power were restricted to a single country—they would hardly be a serious military threat to the hemisphere as a whole. In this case, their relations with ourselves and their Latin American neighbors would probably soon become unspeakable; and Moscow's problem of maintenance of

dominant influence and control over them would immediately become immensely more difficult, as it always must in the case of communists who seize the reins of power in areas outside Moscow's sphere of immediate military domination.

All this gives us no justification for complacency about communist activities in this hemisphere. Here, as elsewhere, the inner core of the communist leadership is fanatical, disciplined, industrious, and armed with a series of organizational techniques which are absolutely first rate. Their aim is certainly not the acquisition of power by democratic means, and probably, in most instances, not even the acquisition of complete governmental power at all at this juncture, since this would saddle them with a responsibility more hampering than helpful to their basic purposes. Their present aim, after all, is only the destruction of American influence in this part of the world, and the conversion of the Latin American peoples into a hotbed of hostility and trouble for the United States. And in this their activities tie into the formidable body of anti-American feeling already present in every one of the Latin American countries, without exception. It is in this fertile breeding ground that the communists broadcast their seeds of provocation and hatred and busily tend the plants which sprout in such vigor and profusion.

We should not over-rate the actual military significance of this state of affairs. But we must recognize that implicit in these communist activities is the possible wrecking of both of the relationships which I have pointed to above as basic to Latin America's part in our global policies. The positions gained by the communists in Latin America are already sufficiently formidable to interfere extensively with the development of our normal peacetime relations on these continents; and I do not think it can be said that the situation in this respect is improving. If a war were to break out in present circumstances I think we must recognize that we would probably be faced at once with civil war, at best, and communist seizure of power, at worst, in a whole series of Latin American countries. And this, as indicated above, could not only disrupt political confidence in us on a world scale, but would force us to take violent action in order to assure raw material supplies and retention of strategic facilities in this part of the world—to the detriment of our long-term relationship with the Latin American peoples as a whole.

B. Historical perspective

In analyzing this situation, I think we must recognize our inability to see our problem fully adequately just in terms of the immediate present. We must give a certain deference to traditional American concepts, it seems to me, even where we are not sure as to their exact applicability in terms of today. It is probably safe to assume that in the attitudes adopted by American statesmen in more than a century

of diplomatic practice, there was probably a greater degree of wisdom than the circumstances of the moment might readily reveal.

If this is true, then we must ask ourselves whether our diplomatic tradition alone would not compel us to look with great seriousness on what the communists are doing in the other countries of this hemisphere. To the student of United States diplomatic history it is a striking fact that many of the most important pronouncements of United States policy toward the countries of this hemisphere were so worded as to be widely applicable to these present communist activities.

President Monroe's historical message referred to the extension to this hemisphere of "the political system" of the European powers and of "any interposition" of these powers with the American peoples "for the purpose of oppressing them or controuling in any other manner their destiny . . ."† No one could deny that it is a "political system" with which we are dealing today and which is being introduced into the New World by these communists—a system certainly no less hostile to us than that of the European courts of the early 19th Century, and one which, if given its head, would not only "oppress" the Latin American peoples, but would certainly control their destinies in a number of ways.

Subsequent statements make it clear that the Monroe Doctrine was understood in just this way during the ensuing century, and was considered to apply to any attempt at the exertion of European influence in the New World in forms dangerous or prejudicial to the unity of the hemisphere and to the good relations between our country and the other countries of the area.

President Buchanan, in his Message to Congress in 1845, stated our opposition to "attempts of European powers to interfere with the independent action of the nations of this continent."‡

Secretary Olney's note to Lord Salisbury of June 20, 1895, described the Monroe Doctrine as "a doctrine of American public law . . . which entitles and requires the United States to treat as an injury to itself the forcible assumption by an European power of political control over an American state." He pointed out that the exercise of such control would signify "the loss of all the advantages incident to their natural relations to us."§

Elihu Root stated at the time of the passage of the Platt Amendment, with regard to Cuba, that "It would be a most lame and impotent conclusion" if after the liberation of Cuba our country should "by inadvertence or otherwise, be placed in a worse position in regard to our own vital interests than we were while Spain was in posses-

†Bemis, *The Latin American Policy of the United States*; Harcourt, Brace and Co., New York, 1943; p. 64. [Footnote in the source text.]

‡*Ibid.*, pp. 101-102. [Footnote in the source text.]

§*Ibid.*, pp. 120-121. [Footnote in the source text.]

sion . . .”¶ And the Amendment itself proscribed the possibility of foreign powers obtaining “. . . by colonization or for military or naval purposes, or otherwise, lodgment in or control over any portion of said island.”¶

Theodore Roosevelt, in presenting the Dominican Protocol to the Senate (February 15, 1905), spoke of the “. . . seizure of territory, disguised or undisguised” and of the “despoilment of their territory under any disguise” as being intolerable to us when coming from a European power to the peoples of this hemisphere.**

Woodrow Wilson, in his message to the German Government of September 16, 1914, said that “. . . neither foreign mercantile influences and interests, nor any other foreign influence or interest proceeding from outside the American hemisphere could with the consent of the United States be so broadened or extended as to constitute a control, either in whole or in part, of the government or administration of any independent state.”††

Secretary of State Lansing pointed out in his Memoranda from 1914 to 1915 that since the original statement of the Monroe Doctrine failed to rule out explicitly European acquisition of political control “through the agency of financial supremacy over an American Republic”, the Doctrine, if it was to continue effective, “should be restated so as to include” this contingency.‡‡

All these selections of language make it clear, it seems to me, that the Monroe Doctrine was understood throughout at least a century of our history as barring precisely that which the communists are now attempting to achieve: namely, the introduction into this hemisphere under any guise or pretext whatsoever, of a political system hostile to ourselves and designed to make the Latin American countries pawns in the achievement of the power aspirations of regimes beyond the limits of this continent. The Doctrine was, to use Secretary of State Kellogg’s words, “simply a doctrine of self-defense.”§§ And it is precisely the principle of self-defense which is involved today in our attitude toward communist activities in this hemisphere.

If this view is correct, then we cannot take an indulgent and complacent view of communist activities in the New World at this juncture without recognizing that this constitutes an historical turning-away from traditional United States policy in the hemisphere and without a deliberate decision on our part that the reasons which led our diplomatic predecessors to adhere so long and so stoutly to a given point of view are no longer substantial.

¶Bemis, p. 139. [Footnote in the source text.]

¶*Ibid.*, p. 141. [Footnote in the source text.]

***Ibid.*, p. 157. [Footnote in the source text.]

††*Ibid.*, p. 191. [Footnote in the source text.]

‡‡*Ibid.*, p. 198. [Footnote in the source text.]

§§*Ibid.*, p. 219. [Footnote in the source text.]

Unless people are prepared to prove that this is so, they must concede that diplomatic precedent obliges us to concern ourselves most seriously with communism in Latin America.

C. What do we do about it?

In this question as to what the United States can do to oppose and defeat communist penetration into the New World, we find ourselves back in the familiar general problem of communist activities in third countries: a problem which is still the subject of a great deal of confusion in a great many minds.

I think the first thing to remember is that whatever is done to achieve this purpose must be done for the most part by natives of the particular country concerned, either in its government or otherwise. The burden of this effort can never be carried directly by the representatives of a foreign government. Our representatives can contribute in many ways to the creation of incentives and possibilities for local resistance to communist pressures; but they cannot themselves be the bearers of that resistance. To look to them for anything of this sort is to do them injustice and to misdirect our energies.

Our problem, then, is to create, where such do not already exist, incentives which will impel the governments and societies of the Latin American countries to resist communist pressures, and to assist them and spur them on in their efforts, where the incentives are already present.

We cannot be too dogmatic about the methods by which local communists can be dealt with. These vary greatly, depending upon the vigor and efficacy of local concepts and traditions of self-government. Where such vigor and efficacy are relatively high, as in our own country, the body politic may be capable of bearing the virus of communism without permitting it to expand to dangerous proportions. This is undoubtedly the best solution of the communist problem, wherever the prerequisites exist. But where they do not exist, and where the concepts and traditions of popular government are too weak to absorb successfully the intensity of the communist attack, then we must concede that harsh governmental measures of repression may be the only answer; that these measures may have to proceed from regimes whose origins and methods would not stand the test of American concepts of democratic procedure; and that such regimes and such methods may be preferable alternatives, and indeed the only alternatives, to further communist successes.

I am not saying that this will be the case everywhere; but I think it may well be the case in certain places. And I would submit that it is very difficult for us, as outsiders, to pass moral judgment on these necessities and to constitute ourselves the arbiters of where one approach is suitable; and where the other should be used. We will have to learn to leave this primarily to the peoples concerned and to be

satisfied if the results are on balance favorable to our purposes. For us, it should be sufficient if there is a recognition of communist penetration for the danger that it is, a will to repel that penetration and to throw off communist influence, and effective action in response to that will.

How can those things be created where they are today not present, or not present in adequate degree? They can be created, in the first place, by a heightened appreciation, on the part of the governments and peoples in the affected countries, of the nature of the communist movement, of the fictions by which it operates, and of the dangers which it involves for the Latin American countries themselves.

This is of course a question of winning of confidence not only with the Latin American governments but with important elements of society behind the governments, and of utilizing that confidence with a view to instilling a correct appreciation of these realities. All that is part of our existing policy and practice, though our techniques might be improved in many instances.

But I doubt whether this alone will be enough. People will not be inclined to believe that communist penetration bears serious dangers for them, as long as there are no tangible evidences in that direction; and, since communist activity appears at present to involve them in little more than an intensified, and not altogether displeasing, fever of anti-U.S. activities and pronouncements, there will, if the matter is allowed to rest here, be too much of that comfortable temporizing which is summed up in the attitude: "I can safely profess myself a sympathizer of communism; for if the communists win, I am then covered; and if the Americans win, they are such inoffensive nitwits that they will do nothing to me, anyway."

To counteract this comfortable stance, from which no one but the communists can profit, we must find ways of demonstrating that a high degree of communist penetration in a given Latin American society bears with it hardships and disadvantages which make it unacceptable, and which require that people do something about it.

Now this gets us into dangerous and difficult waters, where we must proceed with utmost caution. Our policies in recent years have greatly circumscribed our possibilities for inflicting hardships. We have forfeited—and rightly so—the right and the intention of any form of military intervention. Except in extremity, any direct pressure brought to bear on Latin American countries in any internal issues where the detriment to United States interests is not direct and immediately demonstrable, holds great dangers. Furthermore, many of the communist activities which we would like to see curbed are not ones for which the respective governments would admit to any real responsibility or any power of counteraction; and in many instances they will be ones with which our own Government professes itself

unable or unwilling to deal when they manifest themselves in our own country.

In general, therefore, it would be wise for us to avoid putting direct pressure on Latin American governments with respect to communist activities, except where those activities have some highly direct and offensive relationship to American interests. Where this is not the case, we must resort to indirection.

There are other ways, however, by which it should be possible for the United States to create situations which bring home to governments and peoples in Latin American countries the disadvantages of an excessive vulnerability to communist influence. But this would require the development of new techniques, now largely non-existent, for making our displeasure felt in discreet and effective ways with the government and peoples of the area. This matter will be discussed below, in somewhat greater detail, in the section dealing with the political matters.

D. *Conclusions*

To sum up, the following are the points which seem to me worth stressing with respect to the subject of communism in Latin America.

1. The danger lies less in the conquest of mass support than in the clever infiltration of key positions, governmental and otherwise, from which to sabotage relations between these countries and the United States;

2. The positions already gained by the communists in this manner are ones which could cause us acute embarrassment in case of war;

3. We have not yet, by and large, appreciated the full seriousness of this situation;

4. We should give intensified and unified study to the communist movement in Latin America with a view to getting a clear picture of its various ramifications and keeping ourselves currently abreast of its development; and

5. We should apply ourselves to the elaboration of techniques for coercive measures which can impress other governments with the danger of antagonizing us through excessive toleration of anti-American activities and would yet not be susceptible to exploitation by our enemies as constituting intervention or imperialism or illicit means of pressure.

IV. *Economic Matters*³

A. *General*

There is no part of the world where business relationships play a greater part in our foreign policy problems than in Latin America. With private investment of U.S. funds (in 1948) running to \$5,367,000,000, exports to the U.S. in 1949 to \$2,304,000,000, imports from the U.S. to \$2,712,000,000, and with United States Government

³ For additional pertinent documentation, see pp. 672 ff.

credits standing at \$379,000,000,||| and with tens of thousands of U.S. citizens residing in the area, the extent to which economic matters must enter into our dealings with the Latin Americans is evident. Moreover, we continue in our governmental pronouncements to emphasize this factor in our relations (Point IV, "expanding international trade", etc.).

In the course of a brief trip of this sort, one sees only a tiny, and not necessarily representative, cross-section of these multitudinous economic ties and of their effect on our relations with the respective countries. Yet even this glimpse is enough to raise the question as to whether, in this area as in so many others, we have not had a tendency to treat as absolutes concepts which really have a high degree of relativity. "Maximizing trade" and "increasing U.S. investment" have a sterling ring, and are no doubt worthy objectives when the surrounding conditions are right. But there is nothing to show that surrounding conditions are *always* right, from this standpoint: I think experience would rather indicate that there have been numbers of private U.S. economic activities in Latin America which have eventually come to represent sources of embarrassment in our political relations with the governments concerned. If this is true, then it seems to me that what we want is not just *more* trade, but such trade as will be a source of stability and improvement in international relations, and not just *more* export of U.S. capital to those countries, but the export of such capital as will be able to command decent treatment and not to become the subject of altercations and misunderstandings.

B. Trade

As far as trade is concerned, I think we must recognize the limits which the international currency situation places upon further development of U.S. exports to this area, as well as the desirability, from the standpoint of international stability, of the recovery by Western Europe of a good portion, at least, of the competitive position which it had in Latin American markets prior to the war. As I understand it, we now have a trade with Latin American countries amounting to some two and a half times what we had before the war, whereas the Western European countries and Japan have not yet recovered their prewar position. In many instances, these new patterns are firmly fixed and will not be easily altered. Nevertheless, a certain shift back to Western European markets and sources of supply must be regarded as normal and desirable, and we must batten down our hatches to

Export-Import Bank credits	\$334, 500, 000. 00
Lend Lease credits	40, 400, 000. 00
Surplus Property credits	4, 100, 000. 00

\$379, 000, 000. 00

withstand any unfavorable repercussions which it may have on our exporters.

With respect to our imports from Latin American countries, single commodities have come to play an inordinate role in cases of certain individual countries. In some instances, this has become so marked that the maintenance of a high degree of stability in price and volume of these imports has become essential to a stable political relationship between our Government and that of the country in question. This is a dangerous situation, the implications of which do not seem to me to have been fully recognized and taken into account by the Department. I think that our experts should make a study of each of these single-commodity situations, with a view to determining how great is the dependence of the particular country in question on these exports, which chances exist of a drastic decline in price or volume of our imports, how dangerous such an eventuality would be in its political consequences and, where necessary, what prophylactic measures should be taken now to obviate this political danger.

C. Investment

With respect to the investment of U.S. capital in Latin American countries, I think we should begin by recognizing some trends of the times. In the first place, I think we should recognize that foreign ownership of public utilities and other enterprises whose operations have a direct and significant impact on the daily lives of peoples, is by and large a thing of the past. Those U.S.-owned enterprises of this sort which are still functioning in Latin American countries may hang on for varying periods; but in general their day is past. We should not hope to be able to protect permanently their positions, nor should we encourage the U.S. owners to entertain undue hopes of this sort.

With respect to other forms of U.S. investment, we must recognize that the only real sanction for the good treatment of such investment lies in such influence as its owners are themselves able to exert through their operations and financial power in the recipient country and through such sense of self-interest as they can enlist on their own behalf in the governing circles of that country. The U.S. Government, having divested itself, progressively, over the past two decades of its power of military or diplomatic intervention, is no longer in a position to offer any appreciable protection or support to U.S. investment. This situation may be aided by the conclusion of treaties such as that which we recently concluded with Uruguay;⁴ but it will be aided only to the extent that the executive power in these countries is effectively modified by the local judicial power and by the diplomatic

⁴ See editorial note regarding the Treaty of Friendship, Commerce, and Economic Development between the United States and Uruguay, signed in Montevideo November 23, 1949, *Foreign Relations*, 1949, vol. II, p. 794. For text of this Treaty, which has not gone into effect, see Department of State *Bulletin*, September 25, 1950, p. 502.

influence of this country. Beyond that, the evasion of such treaties constitutes no great difficulty, and must be expected to be successfully accomplished wherever this appears to be to the interest of the governments concerned.

The experience of the last few years seems to demonstrate that there are some countries in which foreign capital is no longer sufficiently welcome to command good treatment. But even in those other areas in which there seems to be a desire in principle that foreign capital should enter and operate, it is evident that governments are determined in general (a) to insist that it operate jointly with local capital and not alone, and (b) to exercise a jealous control over its ability repatriate its profits. By and large, foreign investors may expect that their capital—like indigenous capital in the Latin American countries—may earn high profits in local currencies, but that repatriation of these profits will be a different thing. In terms of repatriated dollars, foreign owners must expect to be held by the respective governments, through a variety of restrictions and hardships, to a level of profit just barely above that which would cause them to lose interest and give up the enterprise entirely. The Latin American governments are clever at estimating this line, and remaining just barely on the right side of it.

In these circumstances, we should be chary about encouragement to U.S. investment in the area, and should make it clear that its treatment at the hands of local authorities cannot be expected to depend on any protection by this Government.

Actually, as of today, the protection of U.S. investments in Latin America rests predominantly on the self-interest of the governing groups in the Latin American countries and on the ability of the American owners to enlist that self-interest through the judicious use of their financial power, where it does not exist from other causes. In many instances, bribery may be said to have replaced diplomatic intervention as the main protection of private capital; and the best sanction for its continued operation lies in the corruptibility, rather than the enlightenment, of the local regimes.

D. Point IV

The Point IV concept runs counter to many of the economic and political realities of Latin America. In the first place, there are certain countries, such as Mexico, which resent being classified with the "underdeveloped" areas. There are others which are already saturated with U.S. technical assistance to the extent that they are prepared to accept it with good grace. Still others are probably not suitable candidates for this type of assistance at all.

In many of the other remaining areas, it is too much to hope that any agreements or programs or joint commissions could basically alter the administrative outlook or habits of the governing groups in such

a way as to cause them to give adequate treatment to U.S. investment capital or to collaborate with good faith and integrity in the implementation of development programs.

Finally, the extension of any kind of governmental financial assistance to Latin American countries raises in many instances a number of difficult and bitter problems. Any such assistance directed to one or a few of the Latin American countries is bound to be regarded as a source of offense to many others to which it is not granted. Any attempt to justify such discrimination on the basis of the behavior of the recipient government is apt to crack up either on the past record of the respective government or on its future actions with respect to the aid we grant it or on arguments about its political complexion. In few instances will we be able to find governments which have no serious record of past default, which now have governments which are unexceptionable from the standpoint of our own public opinion, and which can be depended upon to collaborate with us loyally in the execution of the development programs.

I do not think that Point IV is entirely without applicability to the Latin American area. But I believe that in many instances what is already being done in the line of U.S. technical assistance represents almost the maximum of what can be done with due regard to the effectiveness and soundness of operation. If this is true, then the possibilities for expansion of such assistance through coordinated Point IV programs are very modest indeed.

For this reason, we should be careful about raising undue hopes either here at home or in Latin America about the possibilities for this sort of U.S. assistance. In general, some of our worst sins of the past have lain in the extension of promises or assurances on which we could not make good. I believe that this should be regarded from now on as the cardinal sin in our dealings with the Latin American countries.

V. Political Matters

A. Form of Government

As one looks back on the history of United States relations with the countries in Latin America, one sees clearly a conflict of outlook, running back for many decades, with respect to the relation between political institutions of the Latin American countries and those of our own country.

There is one view, which is of more recent origin (so recent, in fact, to be mainly one of our own time and the time of our fathers) which sees the entire New World as dominated by an attachment to democratic institutions and as constituting, in this way, a contrast to monarchic and reactionary regimes in other parts of the world. The adherents of this point of view profess to discern in the political

attitudes of the Latin American peoples and ourselves a common attachment to the principles of self government, which sets us off against less enlightened peoples elsewhere. For this reason, these people make the nature of internal political developments in the Latin American countries the touchstone of our relationship. They agree with Woodrow Wilson that ". . . Cooperation is possible only when supported at every turn by the orderly processes of just government based upon law, not upon arbitrary or irregular force. . . . We can have no sympathy", Wilson continued, "with those who seek to seize the power of government to advance their own personal interests or ambition. We are the friends of peace, but we know that there can be no lasting or stable peace in such circumstances. As friends therefore, we shall prefer those who act in the interests of peace and honor, who protect private rights, and respect the restraints of constitutional provision. . . ."¶¶

This view found an earlier expression in Secretary of State Olney's instruction to Ambassador Bayard, at London, of June 20, 1895. He described the Latin American countries as being the "friends and allies, commercially and politically of the United States. . . . by geographical proximity, by natural sympathy, by *similarity of governmental constitutions* . . ." [Emphasis added.]⁵

". . . The people of the United States," he wrote, "have a vital interest in the cause of popular self-government. They have secured the right for themselves and their posterity at the cost of infinite blood and treasure. They have realized and exemplified its beneficent operation by a career unexampled in point of natural greatness or individual felicity. They believe it to be for the healing of all nations, and that civilization must either advance or retrograde accordingly as its supremacy is extended or curtailed."*

The opposing view is one of longer standing. It is one common to those North Americans who have questioned the democratic origins of Latin American civilization, who have allowed for the possibility that our own political institutions might be the product of a peculiar national experience, irrelevant to the development of other peoples, and who have been inclined to doubt the propriety or the usefulness of efforts to set themselves up in judgment on the political habits of others.

This view was set forth in classical terms in Adams' record of an oral statement which he made to Henry Clay in 1821. Speaking of the question whether this country should take an active part in the

¶¶Bemis, "Declaration of Policy with Relation to Latin America", March 11, 1913; p. 175. [Footnote in the source text.]

⁵ Brackets appear in the source text.

*Bemis, p. 120. [Footnote in the source text.]

wars of independence of the South American countries, Adams stated the following:

" . . . So far as they are contending for independence, I wish well to their cause; but I have not yet seen and do not now see any prospect that they will establish free or liberal institutions of government. They are not likely to promote the spirit either of freedom or order by their example. They have not the first elements of good or free government. Arbitrary power, military and ecclesiastical, is stamped upon their education, upon their habits, and upon all their institutions. Civil dissension is infused into all their seminal principles. War and mutual destruction are in every member of their organization, moral, political, and physical. I have little expectation of any beneficial result to this country from any future connection with them, political or commercial. We shall derive no improvement to our own institutions by any communion with theirs. Nor is there any appearance of a disposition in them to take any political lesson from us. . . ."[†]

Since this issue still wracks our formulation of policy with respect to Latin America, and arises anew with almost every change of government which occurs in the hemisphere, I took particular occasion, during my trip, to examine into the problem.

I must say, in the light of these efforts, that I am at a loss to find any considerations which justify us in taking official attitudes based on distinctions of an internal political nature in other countries or departing in any way from the principle of formal disinterestedness in the domestic affairs of these countries.

The reasons for this are several.

1. In the first place, the experience we have had in the century and a quarter which have elapsed since Adams made his statement is surely enough to justify us today in the conclusion that democratic institutions, as we know them in our country, are *not* universally native to Latin America, and that the processes of government are destined to operate for a long time in the future, in many of these countries, in ways which are strange and uncongenial to ourselves. Nothing we do in the way of direct interference in Latin America is going to alter this situation materially, particularly for the better. Our best prospect of promoting throughout the New World institutions more similar to our own lies in the power of example, and solely in that power. Thus far, the force of example, while not inconsiderable, has not been great enough to overcome many of the natural impediments to more orderly forms of government. Whether this will change in the future is partly a matter of the developments of our own society.

2. I would submit that it is not entirely possible for us to know which institutions of government are morally commendable, and which are not, in a Latin American country. There may be occasional experts, among our official personnel in the area, who feel that their acquaintance with local affairs is so long and deep that they can say with confidence that one internal faction in a given Latin American country is wicked and deserving of censure, and another one constructive and worthy of support or that one regime has its origin in democratic

[†]Bemis, p. 44 [Footnote in the source text.]

processes and another does not. But policy in a country such as our own cannot proceed from the convictions of two or three experts, but must be something acceptable and familiar to popular understanding. Whatever the opinions of experts, people in our country cannot in general be expected to follow along intelligently and usefully in those fine and shifting distinctions by which one Latin American regime is declared "democratic" whereas another receives the opprobrium of being a "dictatorship".

3. In this particular connection, I think we must recognize that the difference between the democratic and authoritarian forms of government is everywhere a relative, rather than an absolute, one and that the distinctions between the two concepts are peculiarly vague and illusive against the background of Latin American psychology and tradition. Let us remember that every dictator keeps his ear to the ground and seeks some sort of sanction in public opinion, whereas even the best democracy always has certain of the aspects of a conspiracy. Hitler would have received a majority of the votes in Germany at any time in the late '30s, even in a fair election. Is it true, in the light of this fact, that the worthiness of government always lies *just* in popular approval? On the other hand, what democratic system is there in which the power of nomination is not more important than the power of election? In our own Presidential elections, the nominators select from millions of people, the electors from only two. I make these comments not to deny that there is a distinction between democracy and dictatorship, but to emphasize that it is a relative and gradual one. All regimes do not fall easily and to everyone's satisfaction into one or the other of these blanket categories. A policy based on the attempted maintenance of such distinctions is apt to be the source of endless confusion and controversy, here and abroad.

4. I question whether we should hold our own institutions up as remedies for the governmental problems of other peoples. A faith in the ultimate efficacy of our institutions for ourselves does *not* logically or necessarily involve a similar faith in their universal applicability. Our national experience is in most respects a unique one; and it is not only possible but something logically to be expected that the institutions flowing from that experience, and organically intertwined with it, should be largely irrelevant to the requirements of peoples whose national experience has been different.

It is important here to recognize that our belief in our own institutions is still something in the nature of a faith, a habit and a predilection. It is not a belief which can be justified to others on incontestable empirical grounds. The significant test of our public institutions, now among the oldest in the world, is not their adequacy to the requirements of the agrarian frontier republic which they were originally designed to serve, but rather their ability to bear society through the vicissitudes of social and economic change and to continue to provide a successful framework for progress in a society where the development of technology is placing ever greater strains on the structure of public authority.

This is the issue of the present, still undecided. Until it is largely decided (it will never be entirely so, in a changing and imperfect world), our adherence to our own institutions must remain, legitimately and understandably, an act of faith, not a pragmatic experience. And as long as this is so, any attempt on our part to recommend

our institutions to others must come perilously close to the messianic tendencies of those militant political ideologies which say, in effect, "You should believe because we believe."

5. Finally, it is impossible for a government such as ours to strike official public attitudes about the domestic political complexion of other governments without assuming a certain responsibility with relation to political developments in the respective countries. An expression of moral approval of a given regime makes us, in the eyes of its people and of the world opinion, the guarantor of its continued good behavior. It calls upon us to have an answer if such a regime is charged by its internal opponents or its outside critics with slipping over from the primrose paths of "democracy" into the wicked ways of oppression and dictatorship. If, on the other hand, we voice moral condemnation of a regime, on grounds of its methods in either the assumption or the exercise of power, we imply the existence of some preferable alternative, of which we have knowledge and which we could name upon demand. Here again the world will eventually look to us for an answer, of a sort which we will not always be able to give.

Thus a decision to conduct policy on the basis of a moral discrimination addressed to the internal-political personality of Latin American regimes spells for us the assumption of a steadily increasing responsibility for the domestic affairs of those countries. This runs directly counter to our renunciation, in these past two decades, of the right of diplomatic and military intervention, and cannot fail, in the long run, to produce a growing gap between our commitments and our capabilities.

For all these reasons, I think it urgently desirable that there be enforced upon our entire official establishment a form of discipline which would cause its members to desist from all sorts of moralizing or public judgment about the internal quality or propriety of Latin American governments. In this, our representatives and officials should be taught to bear in mind that it is not necessary to "like" a government in order to refrain from having an official judgment on it. They should feel themselves under no compulsion to have any personal reaction other than profound distaste toward regimes which they will scrupulously refrain from judging or criticizing in public and official statements.

This decidedly does not mean that we should treat all Latin American governments alike. On the contrary, as will be seen below, that is precisely what we should not do. But our distinctions should be based upon their conduct in their relations with us and as members of the international community. We might well say to ourselves: "By their conduct as members of the family of nations ye shall know them". Of the degree to which Latin American statesmen may be said to have acquitted themselves of their responsibilities to their own peoples, to their own traditions, and to themselves—of their relations, in other words, with whatever answers to the name of "conscience" in these

confused and unhappy societies—of these things I feel, as Gibbon might have said, that we should prefer to remain ignorant.

B. Methods of Exertion of United States Influence

It has been noted above that we have divested ourselves, through a series of multilateral undertakings, of the possibility of intervening by force, or on any basis of special right and privilege, in the domestic affairs of Latin American nations. At the same time the extent of our economic commitments within the hemisphere, together with the extent of anti-American activities being inspired there by the communists, means that it is essential to us to have a more effective system of techniques and instrumentalities than we now have whereby our influence can continue to be brought to bear on the Latin American countries. Obviously, these must exclude actual military intervention, or threats of such intervention, and the cruder forms of diplomatic pressure which can be exploited against us, psychologically and propagandistically, by the communists. How can this be done?

The answer lies in the fact that with most of the countries of this hemisphere there exists a multiplicity of relationships with the government or the citizens of the United States so great as to constitute in its entirety a formidable instrumentality of United States influence. This implies, however, the coordinated exploitation of all these relationships, by our Government, to the extent that our Government has the power to control them or affect them, with a view to seeing that their total impact is directed to specific ends. In other words, the views and interests of our Government can be given greater force and expression in our relations with Latin American countries only to the extent that we can achieve a coordinated exploitation of all the various possible facets of United States interests.

There will of course be many relationships of a private or semi-private nature binding our country and a given Latin American country which can be affected by our Government only partially, and often only in small degree. But there will be a few which cannot be affected at all. And if the total capacity of our Government were to be mobilized and applied for the purpose of affecting these relationships in a manner favorable to the purposes of our Government in its relations with a given country or countries, then a highly significant improvement could be effected in our ability to influence and control developments in the entire area to the south of us.

At present, the Department of State is unable to operate by these methods, except to a small and inadequate degree. The reasons for this lie in the following factors:

1. The extent to which individual United States governmental relationships with citizens and governments of Latin American countries have been farmed out among a number of governmental or quasi-

governmental agencies over which the State Department has little control;

2. The extent to which these agencies are governed by general policies, applied indiscriminately to the area as a whole or to entire groups of countries, without regard to the state of our relations with individual countries in ulterior matters; and

3. The extent to which we have tied our hands through multilateral agreements in ways which prevent our discriminating against one country or another.

There is little that we can do about the last of these impediments, except to see that we do not make it worse in the future by continuing to tie ourselves up in multilateral arrangements which make impossible an intelligent and useful discrimination in the treatment accorded to individual countries. But with respect to the first two of these factors, there is no objective reason why we should not carry out within this Government a revolution of governmental procedure with respect to Latin American countries, along the following lines.

Instead of having policy farmed out in Washington among a series of governmental agencies, each following some independent *general* policy with respect to a whole series of Latin American countries, we could decide that there would be a single policy toward each Latin American country, adjusted currently to the state of our relations with that country, into which would be funnelled the activities of all United States Government agencies, without exception. In this way, we should be able to control the flow of both benefits and hardships in our relationship with a given country, the way that the flow of warm water or cold water is controlled through faucets, and thus to raise or lower the temperature of our relationship with a given country, as the situation may require.

This would admittedly involve causing a given number of worthy people around Washington to recognize principles of conduct which would at first cause them to gasp with astonishment and, in some cases, indignation. What I am proposing here is nothing more or less than the application of "total diplomacy" in the Latin American field; and that is something which will be approved by everyone in Washington until it happens to run counter to that person's own accustomed way of official life. But I know of no other way in which those things can be done which urgently need to be done in the hemisphere from the standpoint of the interests of this country.

For this reason, I would recommend that the appropriate office in the Department be asked to prepare a paper for the National Security Council, the effects of which, if approved by the Council, would be to cause all government agencies, without exception, including those who normally regard their functions as purely technical and not susceptible to policy coloration, to accept whatever line may be laid down to them by the Secretary of State for the conduct of their

relations with countries in the Latin American area, to observe official secrecy and discretion with respect to such policy directives, and to be guided by them in their activities.

C. Pan-Americanism and Multilateralism

Our Government is now very deeply involved in a tremendous network of multilateral engagements within the inter-American community. It has committed itself, in effect, to work only through multilateral channels in all matters involving security and the possible use of armed force on an international scale throughout the hemisphere. In addition to that, it has gone a certain distance toward association with the thesis that the economic relationships between the United States and other Latin American countries are a matter of multilateral concern, over which we cannot dispose entirely in unilateral or bilateral procedures. Finally, it has played along very extensively in the creation of a body of precedent which allows it to appear that something is wrong if at fairly frequent intervals there do not take place gatherings of representatives of the American Republics which produce resolutions of a general and broad philanthropic nature—each time somewhat more lofty and more inspiring than those that have gone before.

It is upon this path that we have set our feet; and I am not recommending that we depart from it in the sense of carrying out any abrupt change of our behavior. But I would like to say that I think this sort of thing, which represents at bottom a form of agreeable and easy escapism from the real problems of foreign policy, has gone about as far as it can go in committing our freedom of action, in the light of the stresses and strains to which our interests in the Latin American area are likely to be subjected in the coming period. Success in the conduct of foreign policy, particularly in the Latin American area, rests ultimately—as I have indicated above—with the power and will to discriminate, wisely, prudently and in ways that cannot be labelled as offensive, in the application of our national power. Anything that tends to strap us up, to inhibit such discrimination, leads to inflexibility, loss of buoyancy and eventual impotence in foreign affairs. In matters of security, our fate already formally rests, for better or for worse, with the enlightenment and wisdom of a majority of the American family, modified by whatever moral ascendancy we are able to exert at a given moment. For this reason, it is all the more important that we retain in other respects the freedom of action which will enable us to prevent matters deteriorating to a point where security interests and the provisions of the Rio Treaty would become involved.

For this reason, I would urge extremely careful and reserved handling of our participation in future multilateral conferences and negotiations within the Latin American field, and a constant atten-

tion to the fact that our vital interests in the New World may well be placed in the coming period under strains which can be successfully combatted only by the full and concentrated diplomatic strength of this country.

In addition to this, it seems to me that we could take a somewhat more self assured and relaxed attitude toward the problem of "leadership" in inter-American bodies. Unless there is a strong and direct United States interest involved in a given question, it seems to me not out of place that the U.S. should adopt an attitude of self confident detachment with respect to the efforts of other powers to achieve outward prestige effects by the exertion of leadership in inter-American bodies. I am not sure that we were right in the '30s to permit ourselves to be maneuvered into an elaborate and largely meaningless duel with the Argentine over delicate innuendoes of dominant leadership.

I am also not sure that we need be too concerned about the tendencies to develop and stress an "Hispano-Americanism", as a rival or alternative to Pan-Americanism. Franco today represents no one but himself, and if his diplomatic efforts in the Latin American world are not aided by any fumbling and undignified attempts on our part at interference, I think we may be sure that they will find their limitations in the jealousies and psychological conflicts natural to a relationship between a mother country and an ex-colonial area, and that these limitations will be narrow enough to prevent them from assuming forms dangerous to ourselves. Brazil, already the most powerful and the most rapidly advancing of the Latin American countries, can be depended upon to view Hispano-Americanism with alarm and distaste, and to exert its influence to prevent it from assuming exaggerated proportions. As for the Hispano-American peoples, it is my impression that their feeling toward us will not be improved if they get the idea that we are trying to stand in the way of their attachment to their Spanish cultural heritage and to substitute for it something foreign to their tongue and their traditions and something identified in the minds of many of their intellectuals with commercialism and vulgarity.

For these reasons, I think that this country should feel itself in a position to view indulgently such proclivities of the Latin American countries in the multilateral field as do not directly affect its own immediate and important interests.

D. General Tone of our Approach to Latin America

This brings me to the question of the general stance which we and our representatives adopt toward the governments and peoples of Latin America; for here, too, I would plead for a somewhat greater relaxation, reserve, and detachment than we have shown in recent years.

It is important for us to keep before ourselves and the Latin American peoples at all times the reality of the thesis that we are a great power; that we are by and large much less in need of them than they are in need of us; that we are entirely prepared to leave to themselves those who evince no particular desire for the forms of collaboration that we have to offer; that the danger of a failure to exhaust the possibilities of our mutual relationship is always greater to them than to us; that we can afford to wait, patiently and good naturedly; and that we are more concerned to be respected than to be liked or understood.

If this posture might be described in terms of an imaginary statement coming from our representatives to them, I would word it as follows:

"We are a great nation, with world responsibilities, situated at your side. We promoted your independence, and protected it over more than a century, for reasons which were indeed ones of our own self interest but which you should recognize as of vital importance and utility to yourselves. We have a selfish stake in the preservation of your national independence and integrity which you should recognize as being of greater significance and importance to yourselves than any altruistic assurances or treaty undertakings which we could possibly extend to you. We expect you, recognizing this, to realize, then, that in matters of war and peace and of state security—that is, in the ultimate matters—your interests lie with ours, for reasons wholly practical and geographic, having nothing particular to do with any cultural or ideological affinity; and you should be careful not to wander too far from our side.

"Now we know that you have different cultural heritages than we have. We know that you have not always liked or understood the evidences of American character and culture which have come to your attention. We know that there are limits to international understanding. We do not propose to ask too much in this respect. Attempts at intimacy sometimes do more harm than good when they are carried beyond a certain point. It is not necessary that you understand all elements of our way of life, or that we understand all elements of yours. We have our own reasons for our institutions and our patterns of culture. We are not ashamed of them; and we propose, through our information services, our libraries and our cultural activities in your cities, to give you the opportunity to gain a fair and adequate picture of these institutions, if you are interested. With time and patience, whoever looks carefully at our system will understand its reasons and necessities. Who does not wish to make this effort does not have to. We are not too concerned about the results and, above all, we are in no hurry. We will not even insist on your liking. We are really concerned only for your respect. You must recognize that we are a great and strong people; that we have our place in the world; and that accordingly we have our interests which we are at liberty to ask others to respect, whether or not they understand them or sympathize with them.

"And here it is not the outward manifestations of respect which most concern us, although symbols are important too, and may not

be wholly ignored. It is rather—respect, as expressed in action and in fact. You must realize that we are serious people. We feel that the role we are playing in the world is of importance to many peoples besides ourselves; and it is therefore not only our duty to ourselves but also to some extent the consciousness of our world responsibility which compels us to require of you that you treat us as serious people and listen carefully when we speak.

“We, on our part, are aware of the importance you attach to your independence and your sovereignty and your pride in yourselves as nations. We find that understandable and unexceptionable, and we are prepared to recognize it in full. But you must recognize, as we do, the proper limitations of this national feeling. It obliges us to a scrupulous regard for your national dignity and for the sanctity of your domestic affairs. But it does not oblige us to accord you unrequited favors or privileges of an economic or financial nature. It does not oblige private American capital to continue to operate in your countries for any other motive whatsoever than the derivation and repatriation of what it considers to be adequate profit. It does not give you the right to take for granted in our relationship the continuation of any bonds or associations which are not of *mutual* advantage. We cannot for a moment admit that the withdrawal or denial of arrangements which prove not to be of mutual advantage constitutes in any way an injury or an offense against you, any more than it does against us.

“We hold out to you what perhaps no great power—no power of our relative importance in world affairs—has ever held out to neighboring smaller powers: the most scrupulous respect for your sovereignty and independence, the willing renunciation of the use of force in our relations with you, the readiness to join with you at any time in a large variety of forms of collaboration which can be of benefit to us both. But you will appreciate that the payoff for this unprecedentedly favorable and tolerant attitude is that you do not make your countries the sources or the seats of dangerous intrigue against us, and that you recognize that relationships no longer governed by the sanction of armed force must find their sanction in mutual advantage and mutual acceptability.

“This is our program. We consider it a fair and generous one. We are not prepared to depart from it.

“If you do not like it, we can afford to wait. Meanwhile, the responsibility is on you if you forfeit its advantages.

“If you do understand and appreciate it and wish to accept it as the basis of our relationship, our hand is out to you for a measure of international collaboration which we feel can stand as a model for the future and as an example to those parts of the world still troubled by the spirit of aggression and world domination.”

It is my feeling that if such an attitude were to dominate our entire official apparatus in Latin America, and if the excellent people whom we have serving in that area today, relying on the long-term logic of this attitude, were to take with a relaxed equanimity many of the things which now cause a sort of haunted anxiety and a whole series of cramped reactions, we would be better disposed to face the problems

of the future in an area where those problems will always be multitudinous, complex and unpleasant.

GEORGE F. KENNAN

611.20/8-750

Memorandum by the Assistant Secretary of State for Inter-American Affairs (Miller) to the Secretary of State

[WASHINGTON,] August 7, 1950.

Some time ago you suggested the preparation of an article on inter-American policy similar to the "X" article.¹ Such an article was prepared by Louis Halle, Planning Adviser in ARA, and was published in the July issue of *Foreign Affairs*.² A copy of the magazine is attached and I hope that you will have time to read this excellent restatement of our Latin American policy.

This policy line has been reflected in three speeches which I have made this year, at the Rotary Club in Charleston, West Virginia last January,³ at the Philadelphia Bulletin Forum on March 22⁴ and at the meeting of the Pennsylvania Federation of Labor May 9.⁵

¹ Documents in file 611.20 indicate that a draft of this article existed at least as early as February 1950.

² "Y," "On a Certain Impatience with Latin America," *Foreign Affairs*, vol. 28, no. 4, (July 1950), pp. 565-579.

³ Press Release No. 27, which contains Mr. Miller's speech of January 11, is included in Department of State *Press Releases*, 1950, under date.

⁴ "Inter-American Relations in Perspective," Department of State *Bulletin*, April 3, 1950, p. 521.

⁵ "The American Way and Standards of Democracy," *ibid.*, May 22, 1950, p. 797.

611.00/8-2250 (Bulky)

*Policy Record Guide: ARA: Anti-Communist Measures in the Inter-American System*¹

TOP SECRET

[WASHINGTON,] September 22, 1950.

Policy: To encourage steps to lessen the Communist threat in the Americas, but to enter no anti-Communist agreements with other American Republics. (NSC 16, 6-28-48)²

Action Taken:

1. We have arranged with the other American Republics to exchange information on Communist activities in accordance with the

¹ This selection is taken from the ARA section of the Policy Record Guide, a reference file of which copies were held by the Secretary and other officers and for which materials were distributed on an occasional basis.

² NSC 16 is printed as PPS-26, March 22, 1948, in *Foreign Relations*, 1948, vol. ix, p. 194.

provisions of the final act of the Bogotá conference.³ Channels for this exchange have now been established and we are continually seeking to increase the flow of this information. (Circular to OAR, 1-27-49; Acting Secretary's letter to Attorney General, 6-21-49; Circular to OAR, 5-24-50).⁴

2. We have consistently declined to enter into negotiations for anti-Communist agreements informing our missions that we doubt the usefulness of a meeting of the Foreign Ministers of the continental countries to establish a uniform policy to put an end to Communist activities as suggested by Bolivia. We have also informed our Ambassador in Havana that we would not support the suggested initiation by Cuba of action leading to a joint anti-Communist declaration for the Caribbean.⁵ Following the expression of our views, the Bolivian Foreign Minister⁶ decided not to encourage the holding of a meeting of Foreign Ministers on the subject, and we have informed Embassy La Paz confidentially that we are considering the question on an Inter-American consultation under the Rio Treaty in the light of the Korean situation but have thus far felt such a meeting would be diversionary rather than helpful to UN efforts. (Circular to OAR, 4-28-50; Deptel 14 to La Paz, 7-17-50; La Paz' 39, 7-21-50)⁴

3. Arrangements have recently been completed with the British Embassy in Washington for an exchange of information on Communist activities in Latin America. (Deptel 68 to Managua, 6-29-50)⁷

³ For the Final Act of the Ninth International Conference of American States, held at Bogotá March 30-May 2, 1948, see *Annals of the Organization of American States*, 1949, pp. 111-139.

⁴ None printed.

⁵ For further documentation, see the memorandum by Thomas C. Mann, Director of the Office of Middle American Affairs, of a conversation held April 17, 1950, as well as Mr. Mann's letter of May 10 to Ambassador Robert Butler, pp. 659 and 661.

⁶ Raúl Fernandes.

⁷ Not printed.

611.20/11-750

Memorandum by the Assistant Secretary of State for Inter-American Affairs (Miller) to the Regional Planning Adviser (Halle)

TOP SECRET

[WASHINGTON,] November 7, 1950.

I have read the attached memo¹ and I believe first that it is desirable to have some sort of document as this cleared around in the Government for the purpose of establishing the importance of Latin America. However, I have a number of questions of substance about it.

¹ Reference is to Mr. Halle's paper of October 26, 1950, titled "Development of U.S. Latin American Policy in Terms of U.S. World Objectives," not printed (611.20/10-2750).

It seems to me first of all that in analyzing the course of U.S.-L.A. relations the paper is somewhat uneven and that it demonstrates in parts an excessive tendency to put on the hair shirt. It seems to me that what has occurred in U.S.-Latin American relations is not so much that we have left undone what we should have done in regard to this part of the world, but rather we have assumed more duties in other parts of the world. As the paper clearly points out at the beginning, the Good Neighbor Policy was virtually our sole foreign program during the 1930s. This fact and the consequential high-level attention devoted to Latin America in this Government created an exaggerated and extreme sense of self-importance on the part of individuals connected with Latin American Governments. The war-time period was characterized by intense wooing of the Latin Americans which, if not carried on at a correspondingly high level, was sufficiently intense so as to compensate for the dilution of our high-level attention as we went into other parts of the world. While our activities in Latin America have diminished in intensity in recent years as compared with the wartime period, our programs of technical cooperation, information and educational exchange, and economic cooperation (loans) are far more intense than they were during the 1930s. I believe this point should be stressed. I consequently disagree with the thesis expressed, for example, in the last two sentences of page 24 that we have not been doing enough in Latin America and that this is because of a limitation on our resources and relative priorities.

I also believe that the paper does not adequately differentiate between the points of view of individuals in governments and newspapermen on the one hand and the public at large on the other. In this sense I believe that our relations with the people of Latin America are better than the paper would indicate.

I believe that the paper overstressed alleged "demoralization" and "lack of self-respect" on the part of Latin America. I do not, for example, believe that there is any such concept whatever in our relations with Peru, Chile, Argentina, Uruguay, Colombia, Venezuela, Cuba and a number of other countries.² Our relations with Mexico today seem to be adequately good allowing for factors which are permanent in our relations with Mexico. Our relations with Panama are always troubled by friction resulting from the particular situation of the Canal, but we are certainly in better shape with Panama than we have ever been. Nor have we achieved this at the cost of handouts as in earlier days of the Good Neighbor Policy. This problem of self-pity therefore largely resolves itself into a Brazilian

² A marginal note in Mr. Halle's handwriting reads: "It appears less in our relations with individual countries than in such general demands as that for a 'Marshall Plan for L.A.' and attitudes toward economic problems at general conferences."

problem³ and I personally do not believe that we will have much difficulties in overcoming this problem as soon as we get our economic program under way and in the incoming administration in office.

My principal point of difference with the paper is that in the section headed "Recommendations" beginning on page 12 the emphasis made upon consultation is not only overstressed but is out of proportion with the other recommendations. I do not believe that there can be any effective consultation in the abstract and I believe that that is largely what you are proposing. I believe that any consultation with the Latin Americans about the initiation of programs in other areas of the world is bound to result to a large extent in going through the motions. Also the reason that the Secretary of State and other high officials of the Department spend more time on Europe and the Far East than on Latin America is not necessarily because of any preference or because of any omission of duty, but rather because those problems are not nearly as subject to delegation as problems in Latin America. Furthermore, this section seems to indicate that at one time we followed the process of consulting the Latin Americans on the problems of the rest of the world and that our alleged cessation of this practice had led to demoralization. I doubt that this is an accurate analysis. It may be true that our relations with the Latin Americans are close in the UN, but that is a liaison that arises naturally and out of the underlying set of facts. There is here no question of consultation in the abstract. I do not necessarily deny that we should consult more with the Latin Americans, but, to repeat, I believe that the subject is overstressed in the memorandum. By the same token, I believe that economic policy and military policy are treated too lightly. With the dressed-up economic policy along the lines set forth in my memorandum commenting upon NSC 68/1,⁴ I believe that we can do much more even without having a Foreign Ministers' meeting.⁵ I suggest that you put in some of the ideas expressed in my paper particularly with regard to over-all country programs and the need of coordinating the work of the various agencies of our Government. The paper should also deal with and be designed to give support for our views in rela-

³ Another marginal note by Mr. Halle reads: "Also Bolivia."

⁴ Scheduled for publication in volume I.

⁵ Mr. Halle had recommended such a meeting be held within a year and continued in part: "The occasion would have to be some crisis—like Korea or Berlin. The Meeting would adopt the principle that the defense of the hemisphere is not to be achieved only along its beaches but by political, economic, and psychological action overseas . . . Such a Meeting would not only boost inter-American morale, making the Latin Americans feel that they were once more participating with us in the fight for freedom, it would provide a propaganda advantage in the 'war for men's minds' all over the world." This proposal was omitted from a later version of the paper, part of which is printed *infra*.

Documentation regarding the U.S. decision taken December 16, 1950, to request of the COAS a Foreign Ministers' meeting to be held in the Spring of 1951, will be printed in a forthcoming volume of *Foreign Relations*.

tion to, major economic problems with which we are faced in the current crisis such as Latin American participation in export controls, the strategic materials program, increased Point IV appropriations and limited grants in aid for road building, etc. As to military policy, I believe that attention should be focused on implementation of the United [Uniting] For Peace Resolution⁶ rather than on NSC 56/2⁷ and on the need of taking some regional action through the IADB. The paper also seems deficient in not dealing with our information programs so that we lose an opportunity of getting unified governmental support for the intensified information program in Latin America.

⁶ For Resolution 377 (V) of the General Assembly, November 3, 1950, see United Nations, *Official Records of the General Assembly, Fifth Session, Supplement No. 20 (A/1775)*, pp. 10-12; for documentation on U.S. policy regarding this matter, see *ante*, pp. 303 ff.

⁷ Dated May 18, 1950; scheduled for publication in volume I.

611.20/11-850

Draft Paper by the Regional Planning Adviser of the Bureau of Inter-American Affairs (Halle)

TOP SECRET

[WASHINGTON,] November 9, 1950.

DEVELOPMENT OF U.S. LATIN AMERICAN POLICY IN TERMS OF U.S. WORLD OBJECTIVES, 1950-1955

[Here follow background material and an assessment of the causes of dissatisfaction with United States policy on the part of the American Republics.]

V. RECOMMENDATIONS

A. *Diplomatic Policy*

37. The general objectives of US diplomatic policy toward Latin America should include the following:

(a) To identify Latin American strategic interests in the world with US strategic interests in the world by giving them the common context of hemisphere security.

(b) To identify Latin American policy in the world with US policy in the world by establishing the common context of hemisphere policy.

(c) To identify Latin America with the US in the implementation of hemisphere policy.

(d) To establish these identities in the minds of the Latin Americans and thereby to give them a sense of honorable participation with the US in the cause of saving freedom.

(e) To continue the development of the inter-American system as an instrument of inter-American solidarity.

38. In pursuance of these objectives, we should adopt a policy of consulting the governments of the older American states on the main strategy of the cold war and the policies (in their broadest aspects) that result from it.

This means that we should accept an obligation toward the other American states not altogether unlike that assumed by the UK toward the self-governing dominions. While the other American states participate on their own in the UN, they are generally without the opportunity to participate otherwise in the development of world relationships that, from our point of view and theirs, must be made to serve the ends of hemisphere security. Examples of this lack of participation are provided by the Marshall Plan and the Greek-Turkish Aid Program, both of which were developed as unilateral policies of the US. A policy of greatly expanded aid to South Asia would provide another example. (The British held a Commonwealth conference¹ and came up with a Commonwealth plan for Point Four aid to South Asia.) Another example in immediate prospect is that of the drafting of a Japanese peace treaty in the Far Eastern Commission, which includes no representation from Latin America. Under the recommendation here made, the US, before it entered the FEC meetings, would use routine diplomatic channels to invite the several Latin American states, all of which are at war with Japan, to submit their views. At these FEC meetings we would then be in a position to present the views and interests of the Latin American states, and might well adopt positions with respect to particular questions on the grounds that our neighbors in the hemisphere had expressed a concern. This kind of informal representation would be an expression of our responsibility for leadership in the inter-American community of states, but it would not take away from the sovereign dignity of the other members, any more than similar reflection of dominion interests by the UK takes away from the sovereign dignity of the dominions. It would be a recognition of the fact that US policy cannot be separated from hemisphere policy, and that hemisphere policy is reached by the joining together of sovereign wills through essentially democratic procedures.

39. The US should of necessity and in some degree follow a hierarchical principle in consulting the other American governments on questions of world policy directed at hemisphere security. It is not realistic to expect that we could maintain the same level of consultative relationships with Honduras and Haiti as with Argentina, Brazil, and Mexico. On some matters we would expect these larger countries to cooperate with us in consulting and developing the views of other members of the community. (The principle of juridical equality in

¹ The Colombo Conference of January 9-14, 1950.

our inter-American relationships would, however, have to be preserved.)

40. While mutual consultation with the other American states might necessarily be limited to the main outlines of world strategy, we should keep them currently informed in greater detail. The UK maintains a flow of information messages to the dominion governments, reporting cabinet decisions, intelligence estimates, and inside developments of one sort or another. This gives the Commonwealth governments the opportunity to comment on developments, although the traffic tends to be overwhelmingly one-way. The value is chiefly psychological. The other governments, flattered by the feeling that they are on the inside of what is going on in London, come to identify themselves with London's policy and consequently to support it. Some adaptation of this procedure would be useful in identifying the Latin American governments with the development of our policy and obtaining their support for it.²

41. We should continue our successful liaison work in the UN. This liaison work illustrates much of what has been said in this memorandum. It is noteworthy that inter-American solidarity is more effective in the UN today than anywhere else. (One result of this has been to lull many who are not in intimate contact with inter-American affairs into an excessive assurance regarding the degree to which we can continue to count on Latin American solidarity with us.)

42. We should rehabilitate the term "hemisphere security", using it to explain to the Latin Americans what we are doing in Korea, in France, in Saudi Arabia, all over the world.

B. *Economic Policy*

43. The general objectives of US economic policy toward Latin America should be:

- (a) To secure the political independence and economic viability of the other American states on the strongest possible basis;
- (b) To promote the self-reliance of the other American states;
- (c) To demonstrate the benefits of cooperation with the US for the preservation of freedom.

44. The first two objectives represent, in terms of economic policy, the basic objective of building up the strength of our allies. They are bound together. Our assistance would be wasted on countries that had given up the struggle to do for themselves and, instead, relied on us to take care of them. No country can achieve economic security except by its own intelligent and determined efforts. The US contribution, to be effective, can only be supplemental to such efforts.

² A marginal note reads: "This was contributed in substance by Lewis Jones of S/P. LJH"

45. Our basic policy, moreover, relies on private enterprise, at home and abroad, to carry on the main business of economic survival and development. In his address of September 19, 1949, the Secretary of State included among "the basic principles on which our policy in this hemisphere must rest": "the stimulation of private effort as the most important factor in political, economic, and social purposes". Just as we should not apply our economic assistance to stultify self-help, so we should not displace effective private enterprise by governmental undertakings.

46. We must therefore require the existence of certain conditions in the receiving countries for our economic assistance, financial and technical. These conditions are those without which our assistance could not achieve its purpose. This is different from making conditions in terms of *quid pro quo*.

47. More immediate objectives of our policy should be:

(a) To offset the progressive deterioration in our relations with Latin America resulting from the fact that the US has or plans to have large-scale programs of economic assistance in all other major areas of the world.

(b) To improve our political relations with Latin America by the concrete demonstration of our willingness to assist in the economic development to which the Latin American leaders and people aspire.

(c) To concentrate economic development in Latin America in those basic fields that will contribute the maximum to:

(1) maximizing the output of strategic and other essential materials required to meet expanded consumption requirements in the US, plus the attainment of stockpile objectives; and

(2) developing production that will minimize Latin America's dependence on the US as a source of food and other essential supplies in case of emergency.

(d) To hold the drain on US financial resources to the minimum compatible with the attainment of the foregoing objectives.

48. We should therefore be prepared to expand substantially both our present loan programs and our program of technical assistance as indispensable to dealing with the economic and social insecurity that today threatens the whole fabric of inter-American life and inter-American relations.

49. We should develop as promptly as possible a program designed to make available to us the needed strategic materials of which Latin American countries are producers or potential producers. This may require grant assistance as well as loans for the development of production, of the conditions under which production can be effectively undertaken, and of the means of access to the sources of raw materials. It may require, moreover, a general agreement for cooperation among the American states, reached through the procedures of the Organization of American States, plus particular agreements with par-

ticular countries. Such a program should be related to all other aspects of our economic relations with these countries. It may be anticipated that extreme reluctance will be encountered on the part of Latin American governments to go in for wartime production programs except in the context of an integrated economic program which takes account of their essential wartime requirements and also of the adverse effect on their economies of an eventual termination of the production programs.

50. Production goals in Latin America should be set, on the basis of meeting both the requirements of our current consumption and of our stockpiling.

51. In case of emergency controls on US industrial production, we must be prepared to provide for the necessities of the Latin American peoples on the same general level as we provide for our own people. This is one element in the reciprocity that the other American states have the right to expect of us.

52. Finally, it is urgently necessary that the several elements in our assistance to other American states be organized in relation to one another so that they together constitute comprehensive and integrated country-by-country programs. Loans should not be applied without regard to technical assistance projects, and technical assistance should not be applied without regard to loan projects. What is done in public health should have a supporting relationship to what is done in the field of agriculture, and vice versa.

53. Since the several elements of our assistance for economic development are controlled respectively by various agencies of our Government, the realization of the purpose set forth in the above paragraph requires administrative reforms to coordinate these agencies for the implementation of comprehensive policies.

[Here follows Mr. Halle's treatment of military policy toward the American Republics. It follows in substance the discussion of that subject in Mr. Miller's memorandum to Mr. Nitze of September 26, 1950, which is scheduled for publication in volume I.]

D. Public Affairs Policy

66. The objectives of public affairs policy are the objectives of general foreign policy as they bear on public opinion abroad. In particular, public affairs policy supplements diplomatic policy in an age in which whole peoples, not only heads of state, are involved in foreign relations. Under the heading of Public Affairs Policy, therefore, the following recommended objectives of US diplomatic policy toward Latin America are repeated:

(a) To identify Latin American strategic interests in the world with US strategic interests in the world by giving them the common context of hemisphere security.

(b) To identify Latin American policy in the world with US policy in the world by establishing the common context of hemisphere policy.

(c) To identify Latin America with the US in the implementation of hemisphere policy.

(d) To establish these identities in the minds of the Latin Americans and thereby to give them a sense of honorable participation with the US in the cause of saving freedom.

In making progress toward the above objectives our public affairs policy must spread sympathetic understanding of the US as it really is, confidence in our motives, confidence in our ability to achieve our purposes, and general respect for us as a nation and a people. It must also, in this context, make its contribution to the general objective listed under Economic Policy above, "To demonstrate the benefits of cooperation with the US for the preservation of freedom", as well as to some of the more particular objectives of our economic policy also listed above.

67. Since communist propaganda in Latin America has been outstandingly effective in promoting and heightening the Latin American resentments and grievances against the US referred to in earlier sections of this paper, one of the important objectives to which our public affairs policy must address itself is that of putting communist propaganda vehicles out of commission or directly reducing their effectiveness.

68. The immanence of the people in national life has increased in Latin America in recent years to the point where even authoritarian governments find it expedient to persuade by domestic propaganda rather than to rely wholly, as at one time, on coercion and trickery to induce acceptance of their will.

69. Men live and die for ideas. If we wish the people of Latin America to assimilate the concept of a hemisphere coalition, we must make it real to them by translating it into the terms of a coalition of peoples.

70. The Department's information services, with their overseas extension in the USIE program, are the established instrument for carrying out this assignment. However, at present and as projected through fiscal 1951, the total resources available for use in Latin America are wholly inadequate. One example of present deficiencies is the fact that Department-produced material for countering Communist and Soviet propaganda includes nothing prepared specifically for Latin America, since there is no staff to prepare it. Consequently, the resources, available for the information program as a whole in Latin America should be augmented.

71. The educational exchange program, now at a reduced level, should be substantially increased and arrangements made to extend its influence to a wider variety of persons and fields of study.

72. The field organization, operating funds, and materials should be made available to provide for a broader and at the same time more specifically directed propaganda program designed to operate through all media of popular expression.

73. The program will best serve both the strategic needs of the next few years and the long-range interests of hemisphere policy if in its development the following characteristics are increasingly observed: (1) emphasis on labor groups as the priority target of effort, with attention to the student population closely following, and (2) bi-national cooperation and the encouragement of reciprocity. Every effort should be made to give the program a collaborative aspect. The cultural institute is recognized as the ideal instrumentality for bi-national development, but the principle of cooperation can also be applied to the Point Four program and many other aspects of cultural exchange.

74. Finally, provision must be made for a more direct, aggressive approach to the problem of Soviet-directed propaganda. This must encompass, as a necessary adjunct to the positive appeal of the USIE program, the systematic elimination of Communist organs and channels of influence.

VI. SUMMARY

75. The basic objective of strengthening the free world to frustrate the Kremlin design has its application to all the countries of Latin America, where it must be interpreted in terms of the special features that characterize the American states as a regional community sharing the hemisphere, and the special relations that the US consequently maintains with them.

76. US security is the objective of our world-wide foreign policy today. US security is synonymous with hemisphere security. This provides a basis for identifying the other American states with our policy. Such identification must make them our active colleagues. It calls for a diplomatic policy of consulting them and keeping them informed, economic and military policies directed at joint efforts, and a vigorous public affairs policy.

77. The prevalence of economic instability in Latin America, taking an extreme form in certain countries, makes increased US economic assistance imperative, not only to the attainment of the basic objective, but to averting a possible future drain on our political and economic strength. Such increased assistance should be designed with a view to developing the self-reliance of the Latin Americans and supporting the role of private enterprise. It should be effectively coordinated on a country-to-country basis. In addition, strategic materials programs should be developed and provision made for Latin America in case of export controls.

78. For Latin America to play the role in military cooperation that our military policy envisages, and for it to meet the added responsibilities that have emerged since the Korean crisis and that are defined in the "United [*Uniting*] Action for Peace" resolution of the U.N. General Assembly, it must be eligible to receive military equipment from the US on a grant basis. The Inter-American Defense Board should be used for developing common inter-American military policies and plans.

79. By the implementation of the recommendations set forth in this paper the US should recapture some of the initiative in inter-American relations that should be associated with its leadership but has in some degree been allowed to lapse because of urgent preoccupations in other areas.³

[Annex]

SUPPLEMENT⁴ TO 11/9/50 DRAFT ENTITLED: "DEVELOPMENT OF US LATIN AMERICAN POLICY IN TERMS OF US WORLD OBJECTIVES, 1950-1955"

US POLICY WITH RESPECT TO THE ORGANIZATION OF AMERICAN STATES

1) In the context of the present world situation the importance of the Organization of American States to this country is that it provides us with a reserve security system through which the human and economic resources of the Western Hemisphere could be mobilized in the event the United Nations is rendered ineffectual. While we are exerting every effort to ensure the triumph of the concept of the United Nations, we cannot at this stage afford to rely exclusively upon it. The possibility still exists that we might find ourselves reduced to a defense of the Western Hemisphere. In that case the OAS would provide the major international basis for defense arrangements.

2) If this reserve system is to serve its purpose it must be maintained in a condition of vitality. The main organs and procedures of the OAS must be kept alive through use in order that they may be effectively relied upon in time of special need.

3) In addition to this major purpose of the OAS in American foreign policy, there are other purposes of considerable though less importance. So long as the maintenance of peace among the Latin American countries is desired, the OAS will fill an important function. It has been demonstrated that the Latin American countries are far more ready to settle inter-American disputes through inter-American

³ In his memorandum of November 14 to Mr. Halle, Mr. Miller said in part regarding this paper: "I believe that the attached paper is in sufficiently good shape so that it can serve as a basis for presentation of the problem to S/P." (611.20/11-1450)

⁴ The authorship of this supplement, dated December 1 and classified "Secret," is uncertain.

procedures than they are to take them to the United Nations, and there is reason to believe that inter-American procedures are more efficient and effective for that purpose. Moreover, so long as the United States continues to desire an expanding trade with Latin America and to seek the unified support of Latin America in world affairs, it will find in the OAS a valuable symbol and mechanism for encouraging closer unity among the American republics in all the major areas of national interest.

4) To the Latin Americans a major significance of the Organization of American States is its capacity to pool the efforts and resources of Latin America and the United States in the solution of economic, social and cultural problems. Latin Americans are prone to consider that the United States is primarily interested in security features of the OAS while they attach as much if not greater importance to the economic, social and cultural features. It is therefore essential to recognize that if we are to attain our objective of maintaining a living Inter-American System, it is, because of the Latin American interests, necessary to participate constructively not only in security arrangements but also in programs of economic, social and cultural cooperation. If we deny or obstruct the Latin American interest in these latter phases of inter-American cooperation, to that extent will we weaken the security structure in which we are primarily interested.

5) The objective of the United States with respect to the OAS may therefore be stated as follows: It should be maintained as a vital and effective international organization having a high significance to the security of the United States. The security arrangements of the OAS should be scrupulously enforced and supported even in small controversies because of their significance to possible large ones. Its economic, social and cultural programs should be supported at least to the extent that is necessary to retain the enthusiasm and allegiance of the Latin American countries to the regional arrangement as a whole.

6) Pursuing this objective will cost the United States some money. It will even risk the cost of some duplication with activities being undertaken by the United Nations and its related agencies, particularly in the fields of the specialized organizations. A consistent effort must be made to promote efficient working relationships between the regional and United Nations systems wherever possible. Arrangements should be worked out whereby the regional organizations can be linked to the world-wide organizations in order to avoid the establishment of duplicating organizations. Moreover, the regional organizations should be used wherever possible to support the principles and effective operation of the United Nations. However, the process of grafting the regional system on to the United Nations must never go so far as to result in a loss of identity on the part of the regional

organizations individually or as a group. In view of the major functions of the regional system in US foreign policy, the inter-American organizations must retain sufficient identity and independence to enable them at any time, without major change, to exercise their functions effectively as self-supporting international agencies should the United Nations system be rendered ineffective.

611.20/12-2150

*Memorandum by the Regional Planning Adviser of the Bureau of Inter-American Affairs (Halle) to the Assistant Secretary of State for Inter-American Affairs (Miller)*¹

SECRET

[WASHINGTON,] December 21, 1950.

Subject: Post-Mortem on Tuesday's² Meeting with S/P.

Two members of S/P have expressed to me their regret over the inadequacy and general character of the meeting to discuss the role of Latin America in world strategy.

The agreement with George Butler and Phil Watts³ had been that S/P would undertake this as a project, with the full cooperation of ARA. The only purpose of the paper we prepared⁴ was to have a point of departure for S/P's own consideration of the question. Unfortunately, this was forgotten and even Paul Nitze, who had agreed with me on the procedure, dealt with the document as if it had been a draft NSC paper. That is why S/P members at the meeting indulged themselves in the useless exercise of discussing fine points of language in the paper rather than the question that the paper raised.

It had been agreed with Watts and Butler that the short two-page statement originally prepared by Butler⁵ would not be distributed, since such a paper should be the end result of the joint project, not its point of departure. The paper was nevertheless distributed and contributed to the confusion of those present.

I have been informed that this is not, as you suggested, the first time that S/P has considered our Latin American policy. It considered it once before, a year and a half ago,⁶ when Mr. Braden⁷ was brought in to discuss it with them. (This was news to me.)

¹ A handwritten marginal note reads: "not sent keep for files LJH".

² December 19.

³ Both of the Policy Planning Staff.

⁴ Presumably that printed *supra*, together with its supplement of December 1.

⁵ Apparently an unsigned attachment of December 8 to Mr. Miller's memorandum of December 12 to Mr. Halle, neither printed (611.20/12-1150).

⁶ A Policy Planning Staff draft of August 29, 1949, devoted to policy toward the other American Republics, is in Lot 53D26.

⁷ Spruille Braden, Assistant Secretary of State for American Republic Affairs, 1945-1947.

It has been admitted to me that probably most of the members of S/P had not read the paper under discussion. The meeting should not have been held under the circumstances.

S/P is so busy catching fast ones that it is not in as good a position as the operational bureaus to think in terms of long range policy.

Apparently the expectation in S/P is that they will have another "go around" and another on this. I told one of them that to my mind this would be quite useless since S/P obviously is not in position to concentrate its serious attention on the problem of Latin America in relation to our general foreign policy. There is no point to indulging again in the complete frivolity of our meeting the other day. (The high point of that meeting, after you left, was when almost the entire staff rushed to the window to see some fire engines.)

I feel sure, however, that it will be necessary to have Paul Nitze, and therefore S/P, in on this project before it goes to the Under Secretary's Meeting. I think the course for us to take, therefore, is to work up a draft NSC document, limited to ten or a dozen pages with a couple of pages of conclusion, and then give it to S/P for comment and possible joint revision before putting it into UM.⁸

I have suggested and shall suggest that, before there is any further meeting of S/P on what Latin American policy should be, they agree among themselves as to whether this Government needs a Latin American policy or just a budget without a policy. I gather that the latter view, which was Mr. Tufts'⁹ contribution to the meeting, is not by any means shared by other members of S/P.

LOUIS J. HALLE, JR.

⁸ A draft dated December 30 of a proposed NSC paper, "The Latin American Policy of the United States," is attached to a memorandum of January 2, 1951, by Mr. Halle to several ARA officers (neither printed) (611.20/1-251). However, no paper devoted exclusively to the other American Republics was considered in the NSC during 1951.

⁹ Robert R. Tufts of the Policy Planning Staff.

ACTION TAKEN TOWARD RATIFICATION BY THE UNITED STATES OF THE CHARTER OF THE ORGA- NIZATION OF AMERICAN STATES

361/7-1250

*Memorandum by the Assistant Secretary of State for Congressional
Relations (McFall) to the Secretary of State*

[WASHINGTON,] July 12, 1950.

We are now engaged in a program of trying to pry loose from the Senate Foreign Relations Committee a host of legislative items that we are hopeful in being able to get through before the session ends. One of the items we are working on is the ratification of the Charter of the Organization of American States.¹ The Committee, Senator Connally particularly, has been lukewarm to the Charter and has indicated that its refusal so far to act on the matter may be traceable to the failure of Argentina to ratify the Rio Treaty of Reciprocal Assistance.² This somewhat obtuse objection is now removed, as Argentina, about ten days ago, did ratify the Rio Pact.³

I think, therefore, that it would be most helpful if you would telephone Senator Connally and say that because it is increasingly necessary that we pursue the cold war on all fronts and that in the development of MDAP, Point IV, Palestine Refugees, ECA, etc., there has been a tendency somewhat to relegate Latin America to the background, you think it would be most desirable if we can show by affirmative action that we stand solidly with the Latin American countries in the battle we are waging and that the ratification of the Charter would be a measurable step forward in conveying to our Latin American neighbors this attitude. I am inclined to think this kind of persuasion would hold considerable appeal with Connally and

¹ Signed at Bogotá April 30, 1948. For text, see *United States Treaties and Other International Agreements* (UST), vol. 2 (pt. 2), p. 2394. For pertinent documentation, see *Foreign Relations*, 1948, vol. ix, pp. 1 ff., and *ibid.*, 1949, vol. ix, pp. 419 ff.

² For text of the Inter-American Treaty of Reciprocal Assistance, see Department of State Treaties and Other International Acts Series (TIAS) No. 1838, or 62 Stat. (pt. 2) 1681.

³ On June 28. For pertinent documentation, see pp. 691-743, *passim*.

In a memorandum of April 5, 1950, to Paul C. Daniels, U.S. Representative to the Council of the Organization of American States, John C. Dreier, Director of the Office of Regional American Affairs, had indicated in part his belief that the Senate would not act on the Charter until several more American states had ratified it. (361/4-550)

that it might accomplish the desired result, namely, ratification of the Charter.

JACK K. MCFALL

Editorial Note

In a letter of July 21 to Senator Tom Connally of Texas, Chairman of the Committee on Foreign Relations, Mr. Acheson urged Senate action on the Charter. He stressed in part that a number of American states (including Argentina) had that year ratified the Inter-American Treaty of Reciprocal Assistance, that eight states had ratified the Charter itself, and that each American nation (as well as the COAS) had supported the United Nations action in Korea. He concluded: "This hour, when the solidarity of the American Republics has been once more so strongly evidenced, provides a most suitable opportunity for this Government again to demonstrate its support of the Inter-American System by ratifying the Charter of the Organization of American States." (361/7-2150)

For information pertinent to action by the Foreign Relations Committee, see Senate Executive Report No. 15, 81st Cong., 2d Sess.

The Senate gave its advice and consent to ratification on August 28, 1950, subject to a reservation which had been recommended by the Committee. The reservation follows:

"That the Senate give its advice and consent to ratification of the Charter with the reservation that none of its provisions shall be considered as enlarging the powers of the Federal Government of the United States or limiting the powers of the several states of the Federal Union with respect to any matters recognized under the Constitution as being within the reserved powers of the several states."

President Truman ratified the Charter, subject to the reservation, on June 15, 1951, and it entered into force for the United States on December 13, 1951. Most of the delay between Senate action and ratification resulted from a procedure whereby the United States first submitted the reservation for approval by other American states.

UNITED STATES SUPPORT OF INTER-AMERICAN COLLECTIVE ACTION FOR PEACEFUL SETTLEMENT OF DISPUTES, WITH PARTICULAR REFERENCE TO THE CARIBBEAN AREA ¹

638.39/1-550

Memorandum by the Assistant Secretary of State for Inter-American Affairs (Miller) to the Secretary of State

CONFIDENTIAL

[WASHINGTON,] January 5, 1950.

Subject: Haitian Charges Against the Dominican Republic.

The Haitian Government, through its Representative ² on the Council of the Organization of American States, has charged the Dominican Government with participating in a serious plot to overthrow the Government of Haiti.³ The Haitians have requested that the Organization of American States take up this threat to Haiti's security, either by invoking the Rio Treaty ⁴ or by calling a Meeting of Consultation of American Foreign Ministers outside the Rio Treaty. A meeting of the Council will be held at 10:30 a. m. tomorrow (Friday) morning to consider this request.

Charges of intervention by the Dominican Government in Haiti's political affairs were brought before the Inter-American Peace Committee last February. As a result of the good offices then exercised by the Committee, the Dominican Republic and Haiti issued identical declarations stating that they did not and would not tolerate any interference in each others political affairs.⁵ In the light of information we have obtained concerning the present charges, and in view of apparent inadequacy of past efforts at reconciliation, the request of the Haitians appears serious enough to warrant invoking the Rio Treaty. It seems most important at this stage that the facts in this case be clarified. However, there does not as yet seem to be sufficient basis for calling a full-scale Meeting of Foreign Ministers.

¹ Continued from *Foreign Relations*, 1949, vol. II, pp. 437-468.

² Ambassador Joseph L. Déjean.

³ On January 3, 1950. For text of the Haitian note, see *Annals of the Organization of American States*, 1950, pp. 135-138.

⁴ For text of the Inter-American Treaty of Reciprocal Assistance, which entered into force for the United States on December 3, 1948, see Department of State Treaties and Other International Acts Series (TIAS) No. 1838, or 62 Stat. (pt. 2) 1681.

⁵ For text of the Joint Declaration of June 9, 1949, see *Annals*, 1949, p. 326.

In the circumstances, it is planned that Ambassador Daniels will support, tomorrow, the Haitian request for invocation of Article 6 of the Rio Treaty. This procedure makes it possible for the Council of the Organization of American States, as was done in the Costa Rica-Nicaragua case a year ago,⁶ to act provisionally as Organ of Consultation under the Treaty, without setting a definite date or place for a Meeting of Foreign Ministers at this juncture. It is our view that the Council of the Organization of American States, acting as Provisional Organ, can take the steps necessary to determine the facts; and, without prejudice to subsequent moves that might be required, we would hope that a Meeting of Foreign Ministers would not actually have to be held. Supporting such a procedure will, in my opinion, offer the positive and constructive approach to the problem which this Government should take.

The conclusions set forth herein have been reached in consultation with UNA and L. It is recommended that you approve.⁷

EDWARD G. MILLER, JR.

⁶ For documentation on the position of the United States with regard to civil war in Costa Rica and incidents there involving Nicaraguan forces, see *Foreign Relations*, 1948, vol. ix, pp. 488 ff. For additional documents, see *Annals*, 1949, pp. 143-144 and 204-206. See also *ibid.*, 1950, pp. 21-22.

⁷ A handwritten note on the margin of the source text reads: "Sec[retary] has approved. L[ucius] D. B[attle.]" Mr. Battle was Special Assistant to the Secretary of State.

638.39/1-650

Memorandum of a Meeting¹ of the Council of the Organization of American States by the United States Representative on the Council (Daniels)

[Extract]

[WASHINGTON,] January 6, 1950.

3. *Communication of the Representative of Haiti to the Chairman of the Council²*

The COAS took up the initiative of the Haitian Government regarding its charges that the Government of the Dominican Republic supported the recent plot against the President of Haiti.³ During the meeting the Representative of the Dominican Republic⁴ presented a

¹ For minutes of this meeting, held on January 6, see Consejo de la Organización de los Estados Americanos, *Acta de la Sesión Extraordinaria*, OEA/ser. G./II, C-a-40-52 (Pan American Union, Washington, D.C., 1950), pp. 2-89.

² Luis Quintanilla of Mexico.

³ Dumarsais Estimé.

⁴ Ambassador Joaquín E. Salazar.

formal note (copy attached)⁵ reviewing his Government's charges regarding activities during the past three years said to have been directed against the Dominican Republic, and likewise calling for application of the Rio Treaty. The COAS approved a resolution (copy attached)⁶ (1) convoking the Organ of Consultation without fixing a date or place of a meeting of Foreign Ministers, (2) constituting itself the Provisional Organ of Consultation under Rio Treaty Article 12 and (3) directing the appointment of a committee to investigate facts and their antecedents on the spot.

In addition to the above, the resolution approved by the Council indicated that the investigating committee would be appointed by the Chairman, but its powers and functions would be fixed by the Provisional Organ of Consultation. All the American governments and the Secretary General of the Organization of American States were requested to give full cooperation in facilitating the work of the committee, which is to begin its task as soon as it is constituted. The resolution also indicated that the UN Security Council would be notified without delay with regard to the actions of the Council in connection with the invocation of the Rio Treaty.

The resolution was approved by unanimous vote of all the members who were present and who were qualified to vote. It was made clear that representatives of states which had not ratified the Rio Treaty and the parties to the dispute presented by Haiti (that is, Haiti and the Dominican Republic) would not take part in the voting. The Panamanian Representative was absent.

The COAS expressed no objection to a suggestion that the Chairman send a letter to the Presidents of Haiti and the Dominican Republic,⁷ calling upon them to give their full cooperation to the maintenance of peaceful relations between their republics and to the preservation of American juridical order.

No direct vote was taken on the question of whether the Provisional Organ would deal solely with the Haitian case against the Dominican Republic, or would also enter into the matters which were made the basis of the Dominican note calling for application of the Rio Treaty.⁸ There was considerable sentiment in favor of a general investigation of the Caribbean unrest in its various manifestations.

⁵ Not printed. For text, see *Annals*, 1950, pp. 138-141.

⁶ Not printed. For text, see *ibid.*, pp. 141-142.

⁷ The President of the Dominican Republic was Generalissimo Rafael L. Trujillo Molina.

⁸ On January 11 the Council, in its capacity as Organ of Consultation, agreed that the Investigating Committee should consider separately the charges brought by Haiti against the Dominican Republic and those brought by the latter against Cuba, Haiti, and Guatemala. For the Investigating Committee's working directives, see *ibid.*, pp. 144-145. For minutes of the meeting of January 11, see Consejo, *Acta*, OEA/ser. G/II, C-a-40-52, pp. 128-285.

For the Department's press statement of February 10 regarding the situation in the Caribbean, see Department of State *Bulletin*, February 20, 1950, p. 279.

There was no hesitation on the part of representatives of non-ratifying states to take part in the discussions leading up to the approval of the resolution, and the Chairman indicated that their cooperation in the Provisional Organ of Consultation would be welcome at all times. He also indicated that persons from non-ratifying states would be regarded as qualified to serve on the investigating committee.

[PAUL C. DANIELS]

601.3938/1-950

Memorandum of Conversations, by the Director of the Office of Middle American Affairs (Mann)

SECRET

[WASHINGTON,] January 13, 1950.

Subject: Visit to Department of Dr. Sebastian Rodríguez Lora, Former Dominican Chargé at Port-au-Prince

Participants: Mr. Thomas C. Mann, Director, MID
The Honorable Wm. E. DeCourcy, American Ambassador to Haiti
Dr. Sebastian Rodríguez Lora, former Dominican Chargé at Port-au-Prince
Mr. Charles C. Hauch, MID

Dr. Rodríguez Lora called at the Department following his indication in his letter of December 29¹ to the Secretary of his willingness to come in and tell us something of recent political events in Haiti. His offer was accepted and an appointment was arranged with Mr. Mann for 3 p. m., Monday, January 9. His expected visit had been discussed with Ambassador DeCourcy,² now in the Department on a special assignment, and it had been decided that upon Rodríguez Lora's arrival he would be asked whether he had any objection to Ambassador DeCourcy's being present at the conversation. Dr. Rodríguez Lora stated he had no such objection and would in fact welcome Ambassador DeCourcy's presence; accordingly, Ambassador DeCourcy was called into the conversation.

Dr. Rodríguez Lora said he had come in to discuss the matter he had previously talked to Ambassador DeCourcy about, i.e., the background of the conspiracy discovered by the Haitian Government in December. He emphasized strongly several times during the conversation that his reasons for informing us and for quitting his post and leaving Haiti were that he could no longer as a matter of moral principle remain in the midst of a completely indecent and rotten situa-

¹ Not printed.

² William E. DeCourcy, U.S. Ambassador to Haiti.

tion, and that he wished to cooperate with the United States in making use of what he knows in the manner we deem best. He said that the United States is the last hope of decency in the world and that he prefers to regard himself as an American and to associate himself with the United States.

Dr. Rodríguez Lora then reviewed his understanding of the developments of the Haitian conspiracy. His account was substantially identical with what he had told Ambassador DeCourcy in Haiti. He said that he went to Haiti as Dominican Chargé several months ago, and much to his surprise received no particular instructions from either President Trujillo or the Foreign Minister as to the general lines of policy he was to follow. He said that before his departure from Ciudad Trujillo he had asked the Foreign Minister³ about instructions and the Minister had in turn asked him whether he had received any such instructions from the President. When Dr. Rodríguez Lora said he had not, the Foreign Minister made no further comment. Despite his lack of instructions Rodríguez Lora said that he had from the time of his arrival in Port-au-Prince endeavored to pursue a policy of improving relations between the two countries.

Dr. Rodríguez Lora said the first intimation he had of any Dominican involvement in a plot against Haiti occurred on or about November 4 when the Embassy received instructions from Ciudad Trujillo to have First Secretary Oscar R. de Moya go to the airport to meet the Haitian wife of Anselmo Paulino, former Dominican Minister of Interior and Police and a good friend of President Estimé's arch enemy, ex-colonel Astrel Roland, who has been residing in the Dominican Republic.

According to Rodríguez Lora, de Moya went to the airport and did not return to the Embassy for some three or four hours. When he did return he was visibly agitated and showed Rodríguez Lora an unsigned typewritten paper which de Moya said he had received from Paulino's wife and which stated at the top that it should not under any circumstances be shown the Dominican Chargé in Port-au-Prince. Rodríguez Lora said that he hastily looked over the paper and noted that it instructed de Moya to act as an on-the-spot intermediary between those planning the plot in the Dominican Republic and their Haitian conspirators. He specifically recalled seeing mentioned one name Jean Dupuy, the Haitian leader of the conspiracy, who was later killed by the Haitian police. Following this incident, de Moya continued to be in touch with Dupuy, but Rodríguez Lora knew nothing of the details of what was going on until about the time the plot was discovered by the Haitian Government. He said that during this period notes were passed back and forth between de Moya

³ Virgilio Díaz Ordóñez.

and Dupuy. He said Dupuy sent a note in his own handwriting to de Moya stating that the time for the uprising was almost at hand and that de Moya should repair to the Dominican Chancery on the evening of December 19 and remain there, with his family. The overthrow of the Government was scheduled to take place between December 19 and December 21, he said. Later Dupuy, who had become personally friendly with de Moya, warned de Moya that the purpose of the conspirators was to kill de Moya and Rodríguez Lora and set the Embassy afire, in order to give the Dominicans a pretext for invading Haiti.

Shortly thereafter the plot was discovered by the Haitian Government, numerous arrests were made, and Dupuy was killed. Rodríguez Lora and de Moya subsequently visited Ambassador DeCourcy to give him the details of the plot. De Moya then left Haiti with his family on December 25 and came to the United States. Rodríguez Lora said that contrary to statements made by the Haitian Government, de Moya brought with him no funds which he was supposed to have in connection with the conspiracy. Rodríguez Lora said that de Moya, in fact, has no financial resources whatsoever at this time.

On December 26 Rodríguez Lora visited the Haitian Foreign Office on another matter, in the course of which the Haitian Foreign Minister⁴ referred to the information his government had discovered from the conspirators regarding Dominican participation therein. At this point Rodríguez Lora said he informed the Foreign Minister of the plan whereby he and de Moya would have been killed as part of the Dominican Government's plan to justify invasion of Haiti. He said he made clear he was speaking to the Minister in complete confidence and was very much surprised and embarrassed when after his arrival in the United States he learned that the Haitian Government in its note to the OAS had referred to the remarks he had made to the Foreign Minister. He felt that the Haitians by this act had put him in a very difficult situation, and that until he had an opportunity to discuss the matter with us and seek our advice on how he should proceed he had felt obliged in his public statements to deny the Haitian assertions. He noted that his father and one brother are now in the Dominican Republic, the implication being that they might suffer were he to testify.

Rodríguez Lora said that upon his arrival in the United States he had written a lengthy letter to the Dominican Foreign Minister, with a copy for President Trujillo, indicating that he knew the details of the plot. Following this, he said the Dominican Government had endeavored some six times to phone him from Ciudad Trujillo and had offered him the position of Minister Counselor in the Dominican Embassy here, which he had accepted, full well realizing

⁴ Vilfort Beauvoir.

that it was an effort to purchase his silence and that he would be discharged, recalled, or transferred to a country friendly to the Dominican Government, such as Nicaragua, after the affair had blown over. He said that he has accepted the appointment as an interim measure but really wishes to remain in the United States. He asked what assurances we could give him on this point when the time comes for him to sever his connection with the Dominican Embassy. He said that he was not thinking of or requesting police protection because he did not think Trujillo would go so far as to endeavor to have him killed while he is in the United States. Insofar as his economic resources are concerned he said he is not worried about this since he owns a house and property in New York and would expect to secure employment if he remains here in a regular immigration status, with intention of becoming a resident.

Mr. Mann stated that we would look into the matter of his remaining in the United States and would let him know our views on this. Mr. Mann suggested that it was probable his movements in the United States were known to the Dominican Embassy. Dr. Rodríguez Lora stated that Ambassador Thomen had questioned him regarding his activities in Haiti but did not appear to have the full information which he (Rodríguez Lora) had sent the Dominican Foreign Office after his arrival in the United States.

Rodríguez Lora said that de Moya, who is now in New York, wished to talk to officers of the Department to tell what he knows about the affair. He said that on January 2 the Dominican Government had sent Paulino's wife to New York to persuade de Moya to return to the Dominican Republic and had told him that he was to be named to a position in the Dominican Embassy in Santiago, Chile. De Moya had refused to return, and Paulino's wife had gone back to the Dominican Republic about January 4 or 5. On January 8 de Moya's father had arrived in New York from the Dominican Republic stating that he had been sent by the Dominican Government to urge his son to return home but his father had personally advised him to remain in the United States. De Moya had previously received a telegram from the Government stating that his father was coming to the United States to take him home.

Dr. Rodríguez Lora said that de Moya was also interested in ascertaining the possibility of his remaining in the United States on a permanent status. He is now staying in New York with his sister and her husband, Ruben Rosario Brache (79 Riverside Drive, Apartment 2-C, Telephone FO 8-0152). Dr. Rodríguez Lora said he was to phone de Moya immediately following this conference to advise him on the two points, i.e., his future immigration status and his willingness to talk to officers of the Department. Mr. Mann said that since we could not give Dr. Rodríguez Lora any definite information

at this time he should get in touch with us again on the afternoon of January 10 at which time we would expect to be able to have some definite word from [*for*] him concerning the requirements for immigration visas.

Insofar as testimony before the COAS investigating committee by Rodríguez Lora and de Moya is concerned, Mr. Mann stated that he personally felt it would be best for them to defer making a decision on this until the nature of information available to the committee from other sources becomes known.⁵ Dr. Rodríguez Lora said he agreed.

During the conversation Dr. Rodríguez Lora was asked whether he thought a conspiracy in Haiti with Dominican Government backing could have been carried out without the knowledge of President Trujillo. Rodríguez Lora said this would have been impossible, since nothing in the Dominican Republic, and particularly things of this nature, can happen without Trujillo's knowledge and direction. He said he felt the more disgusted with reference to this situation, having been instructed, only a few days before the plot was discovered in Haiti to deliver a letter from President Trujillo to President Estimé expressing the former's desire to have better relations with Haiti. We then discussed with Rodríguez Lora President Trujillo's possible motives in this affair, including what Rodríguez Lora said was his desire to dominate Haiti. Rodríguez Lora said that he does not think Trujillo wishes to incorporate Haiti into the Dominican Republic, but desires to have exclusive control over it, either through a friendly government or in some other way.

Dr. Rodríguez Lora again called on Mr. Mann, with Mr. Hauch present, by previous arrangement at 3 p. m. on January 10. The following points were mentioned:

(1) Mr. Mann stated we were considering requesting the Justice Department to take certain preliminary steps so that if and when Dr. Rodríguez Lora and Mr. de Moya decide to request permanent immigration status in the United States the way will have been prepared to handle a request expeditiously;⁶

⁵ For mention of Minister Rodríguez Lora's appearances before the Special Investigating Committee, see *Annals*, 1950, pp. 234, 242.

⁶ In a letter of January 13, 1950, signed by Willard F. Barber, Acting Assistant Secretary of State for Inter-American Affairs, for the Secretary of State, to Attorney General J. Howard McGrath, the Department requested the Justice Department to waive certain normal requirements should Minister Rodríguez Lora and Sr. de Moya request permanent immigration status. (638.39/1-1350) On February 15, 1950, Peyton Ford, Assistant to the Attorney General, replied to Mr. Barber that the Immigration and Naturalization Service would comply with the Department's request. (638.39/2-1550)

(2) Mr. Mann said officers of the Department would be in New York in a few days and that they would receive Mr. de Moya in New York if de Moya still wished to discuss the situation;⁷

(3) Dr. Rodríguez Lora stated that de Moya's father was planning to return to the Dominican Republic within a day or so. He added that it was absolutely untrue that de Moya had been offered a position in the Dominican Embassy in Santiago, Chile, and asserted this had been told de Moya by Paulino's wife only for the reason of getting him back to the Dominican Republic;

(4) Dr. Rodríguez Lora inquired regarding his father and brother in the Dominican Republic. Mr. Mann said that no assurances of United States protection could be given but that he wondered if the Dominican Government did not already realize the disadvantages from the standpoint of world opinion of harming them.

It was arranged that Dr. Rodríguez Lora would telephone Mr. Mann again on Thursday, January 12, between 3 and 4 in order to obtain further information regarding the visit of Departmental officers to New York City.

⁷ In a memorandum of February 20, 1950, Mr. Hobart A. Spalding of the Office of Middle American Affairs reported on his interview with Sr. de Moya of January 22, 1950, and stated also that Sr. de Moya met informally with some members of the Special Investigating Committee on February 20. "The fact that the clarification of his immigration status was under consideration and the connection of this fact with his willingness to talk to members of the Committee were not made known to them by the Department." (638.39/1-2250)

637.39/1-2550: Telegram

The Ambassador in Cuba (Butler) to the Secretary of State

SECRET

HABANA, January 25, 1950—5 p. m.

51. In conversation with Minister Hevia¹ yesterday I mentioned urgent desirability sending Cuban diplomatic representative to Dominican Republic and reestablishing full diplomatic relations.² Hevia said he quite willing to do so but only on condition Dominican Republic guarantee anyone seeking asylum in Cuban Legation in Ciudad Trujillo (whether criminal or otherwise) would be respected and not molested by Dominican Government (Embassy's despatch 1062 December 30).³

¹ Carlos Hevia, Minister of State.

² Despatch No. 404 from Ciudad Trujillo, November 11, 1949, reported in part that Cuba had had no diplomatic representative in the Dominican Republic since October 22 of that year. (737.39/11-1149)

³ Not printed. In telegram 60, January 28, 1950, from Habana, Ambassador Butler reported that Ambassador Warren Austin, U.S. Representative to the United Nations, had that day delivered a public address in Habana stressing inter-American cooperative effort and mentioning difficulties arising from the Caribbean situation. "Hevia visibly impressed informed me after luncheon he had decided send Cuban diplomatic representative Ciudad Trujillo immediately and would not wait for assurances he previously demanded from Trujillo." (637.39/1-2850)

In interest bringing about early *rapprochement* between Cuba and Dominican Republic, Department may consider it desirable approach Dominican Government along lines suggested by Hevia. Department's views would be appreciated.⁴

Repeated Ciudad Trujillo.

BUTLER

⁴Telegram 59 to Habana, January 26, 1950, stated in part that the Department approved Ambassador Butler's action and commended his initiative. (601.3739/1-2650) Additional information on U.S. efforts to encourage the maintenance of normal diplomatic relations between Cuba and the Dominican Republic is in file 637.39 for 1950.

638.39/3-1050

The Secretary of State to the United States Representative on the Council of the Organization of American States (Daniels)

CONFIDENTIAL
No. 2

WASHINGTON, March 10, 1950.

SIR: Your attention is invited to the position paper enclosed herewith in which the views of the Department are set forth concerning various subjects under consideration by the Caribbean Investigating Committee of the Organ of Consultation acting under the Treaty of Rio de Janeiro to consider the cases brought before it by Haiti and the Dominican Republic.

As United States member of the Investigating Committee, and member of the Council of the Organization of American States, you should be guided by the position outlined in the enclosure. The Department will be glad to provide further detailed instructions should you so request.

Very truly yours,

For the Secretary of State:
WILLARD F. BARBER

[Attachment]

POSITION PAPER

THE PROBLEM

To determine the position which should be taken by the United States member of the Caribbean Investigating Committee of the Council of the Organization of American States, acting provisionally as Organ of Consultation under the Rio Treaty, in regard to subjects being considered in connection with its report to the Council, March 1950.

RECOMMENDATIONS

The United States Representative should be guided by the following positions in regard to each subject mentioned. (Further instructions may be formulated regarding additional subjects which may be raised in connection with the Committee's Report.)

1. *Conclusions Regarding Facts of Cases A and B.*¹ It is the position of the United States that the Committee should report fully on all pertinent facts obtained in its investigation, and on reasonable conclusions to be drawn therefrom. In view of the nature of the case and the expectations of people and governments regarding the work of the Committee, a full exposure of facts is required. The United States should oppose, in the event it is suggested, any proposal to withhold evidence on the grounds of avoiding offense to governments or because of remedial actions taken since the charges were first placed before the Council. The full exposure of facts concerning the participation of governments, groups and individuals involved in the Caribbean situation under study is considered the most important single objective of the Committee's work.

2. *Machinery for Continuing Surveillance.* The position of the United States is to support the establishment of some continuing surveillance by the Organization of American States over the Caribbean area at least until it shall have become clear that the activities and allegations giving rise to the two cases under study have ceased and are not likely to be resumed. This continuing surveillance might be entrusted to a special committee of the Council of the Organization of American States or of the Organ of Consultation. Any such steps should, however, be entirely separate from any measure to change the composition or status of the Inter-American Peace Committee.

3. *Other Measures to Safeguard Inter-American Peace and Security in the Caribbean.* The United States should support a recommendation by the committee and the Council to the Governments concerned that they take such additional measures as are necessary or desirable to render unlikely a repetition of acts which caused the situation now under study. Such measures might include the application of any recognized international procedures for the peaceful solution of outstanding or future differences; or the adoption of internal policies and practices which may be necessary to correct laxity or failure in the observance of inter-American treaty obligations respecting non-intervention and the maintenance of peace.

¹ "Case A" refers to the Haitian charges against the Dominican Republic; "Case B," to the Dominican complaints against Cuba, Haiti, and Guatemala.

4. *General Conclusions.* It is the position of the United States that emphasis in the Committee's report should be placed upon the specific findings and recommendations regarding Cases A and B. Recommendations which the Committee desires to make on problems of a more general nature, which have contributed to the development of the two aforementioned cases, should take the form of proposals for further study by the appropriate inter-American agency. The Committee should not attempt to solve or even suggest the solution to problems of a general nature. The United States should support the following viewpoints regarding specific subjects already under consideration by the Committee for inclusion in its general conclusions.

(a) It is desirable that the Habana Convention on the Rights and Duties of States in the Event of Civil Strife (1928)² be reviewed to determine whether improvement can be made in it. Attention might particularly be given to the possibility of clarifying the duties of States regarding control of political exiles within their borders in order to prevent their carrying out acts forbidden by the Convention; and agreement on some procedure for the adjudication of disputes over application or interpretation of the Convention. No encouragement should be given to the suggestion that provisions for sanctions or other enforcement machinery be included in this Convention,³ however, since adequate enforcement machinery already exists in the Treaty of Rio de Janeiro.

(b) It is not desirable to promote a further general study of the broad subject of non-intervention as stated in the agreements of Montevideo, Buenos Aires and Bogotá. The desirable ends in this connection can be achieved by concentrating attention on the specific provisions of the Habana Convention referred to above.

(c) It is desirable for the Committee to point out that the threat to inter-American peace and security, which it has studied in the Caribbean, is in large measure created by the presence of numerous political exiles, and that so long as democratic government fails to function in the Americas, this cause of international difficulties may be expected to continue in some degree. The United States may support recommendations that the Organization of American States give further study to the question of how the principle of Article 5 (d) of the Charter of the Organization of American States (that effective representative democracy is necessary to the aims of inter-American solidarity) may be more fully realized.

The United States should not oppose inclusion in the Report of a recommendation that the Organ of Consultation express the view that the democratic principle does not authorize individual governments to violate legal commitments on non-intervention, provided the phraseology of the recommendation does not imply that action through

² Signed February 20. For text, see Department of State Treaty Series (TS) No. 814, or 46 Stat. (pt. 2) 2749.

³ For text of the resolution (adopted at the April 8 meeting of the Organ of Consultation), which in part recommended modification of the Habana Convention, see *Annals*, 1950, pp. 150-151.

the inter-American system to strengthen democracy is under all circumstances forbidden.⁴

(d) The United States should not oppose a suggestion for the further study of the problem of political asylum, if proposed by others, but in that event should make clear that it does not subscribe to the doctrine of asylum as part of international law.

(e) It is desirable for the Committee to point out that excessive armament on the part of some governments have had a part in augmenting international tensions in the Caribbean area. This subject may be posed as one which might merit further consideration at some time. The Committee should be particularly careful, however, to avoid specifying the time or the terms of reference of any such study, or suggesting that an inter-American arms regulation agreement is desirable under present circumstances.

(f) The relationship of the Inter-American Peace Committee to the Organization of American States should be clarified at the next Inter-American Conference. It is premature, however, for the Committee or Council at this time to suggest what that relationship should be.

⁴ In a memorandum of March 8 to Dean Rusk, Deputy Under Secretary of State, Willard F. Barber, Acting Assistant Secretary of State for Inter-American Affairs, stated he had approved the position paper and added in part:

"I have been informed that you have previously been interested in the subject discussed in recommendation 4(c) of this paper. You will note that the U.S. Representative is not taking the initiative to study the question of making representative democracy effective. But it seems advisable—even necessary—that our representative to the OAS be left with sufficient flexibility so that he is not forced to vote against any or all pro-democratic moves."

The note "OK D[ean] R[usk]" is pencilled in the margin. (638.39/3-1050)

361/3-1650

*Memorandum of Conversation, by the United States Representative on the Council of the Organization of American States (Daniels)*¹

RESTRICTED

[WASHINGTON,] March 16, 1950.

Subject: Report of OAS Investigating Committee

Participants: Ambassador Joseph L. Déjean, Representative of Haiti on the COAS.

Ambassador Paul C. Daniels, U.S. Representative on the COAS.

Ambassador Déjean called at my office by appointment and we discussed the report of the OAS Investigating Committee on the Caribbean situation.² While he expressed no objection to the report, his enthusiasm seemed to me to be somewhat less than was to have

¹ Ambassador Daniels was also the U.S. member of the OAS Special Investigating Committee.

² The report of the Special Investigating Committee was presented to the Council of the OAS, acting as Organ of Consultation, on March 13. For text. see *Annals*, 1950, pp. 231-252.

been expected. As in the case of other Ambassadors, perhaps Ambassador Déjean felt he should be cautious in making comments before his Government had given the report thorough consideration.

I expressed certain views to Ambassador Déjean as follows:

1) That I felt it highly important that the resolution on Case B, as well as Case A,³ be approved by the Organ of Consultation, since if only Case A were approved but not Case B, the effect on the OAS would be most unfortunate. To my gratification, Ambassador Déjean expressed agreement, saying that failure to approve them both would be "*desastrosa*".

2) That I hoped prolonged debate on the substance of the report could be avoided at the April 3 meeting;⁴ even though possibly the interested parties might wish to express unilaterally their comments in regard to the report. I said that this might well be the subject of prior accord among the interested parties, in agreement with Ambassador Quintanilla, as was done prior to the meeting on March 13. Ambassador Déjean expressed agreement.

3) I said I attached importance to the watch-dog committee of five to be set up pursuant to resolution 3, as constituting a means for giving continuity to the recommendations to be approved by the Organ of Consultation. Ambassador Déjean said he likewise thought that was a very good idea.

4) When Ambassador Déjean referred to the possibility of voting the "conclusions"⁵ of Case A and Case B, as well as the resolutions, I said that was a new idea to me and that I did not believe the Committee contemplated that the conclusions or any part of the report be submitted to vote—but only the draft resolutions. I gathered the impression that Ambassador Déjean saw some advantage in having the "conclusions" voted, and I attempted to dissuade him from this view on grounds that it would conceivably put representatives from such countries as Paraguay and Chile in an unnecessarily awkward situation, having no direct knowledge of the facts; and that in any event the resolutions for Case A and Case B seemed to cover the matter adequately. I am not sure whether Ambassador Déjean will bring up this point again.

Ambassador Déjean said he planned to return to Port-au-Prince for a few days to consult with his Government. I said that I should like very much to have a further conversation with him upon his return, to which he readily agreed.

[PAUL C. DANIELS]

³ "Case A" refers to the Haitian charges against the Dominican Republic; "Case B," to the Dominican complaints against Cuba, Haiti, and Guatemala. Texts of the resolutions in both cases, as originally drafted by the Special Investigating Committee, are in Organización de los Estados Americanos, *Acta del Consejo*, vol. v, OEA/ser. G/II, C-a-53-64 (Pan American Union, Washington, D.C., 1950), pp. 879-888.

⁴ The resolutions did not come to a vote at this meeting. For minutes, see Consejo, *Acta*, OEA/ser. G/II, C-a-40-52, pp. 526-812.

⁵ These were contained in the body of the Special Investigating Committee's report and were never moved as resolutions. For text cited, see footnote 2, above.

361/4-650

*Memorandum of Conversation, by the United States Representative
on the Council of the Organization of American States (Daniels)*

RESTRICTED

[WASHINGTON,] April 6, 1950.

Subject: Report of OAS Investigating Committee

Participants: Ambassador Joseph L. Déjean, Representative of
Haiti on the COAS.Ambassador Paul C. Daniels, U.S. Representative on
the COAS.

Ambassador Déjean called at his initiative and, among many other things, said that the Haitian Foreign Minister, M. Beauvoir, had returned to Haiti yesterday very upset because of the amendments to Resolution I proposed by Panama.¹ He said that to generalize that Resolution and to eliminate the specific reference to the Dominican Republic would be considered in Haiti as a great injustice, since Haiti sought protection and vindication in regard to the case it had presented before the OAS.

I said that I was entirely in accord with the Haitian point of view in this regard, and that I too did not favor any weakening of Resolution I in regard to the Haitian-Dominican matter. At the same time, I added, if Resolution II were weakened for the benefit of what Ambassador Guell considered to be the interests of Cuba, it seemed quite apparent that out of justice to the Dominican Republic, there should be a corresponding weakening of Resolution I. I said that the Organ of Consultation could not very well put itself in the position of discriminating against one country or another in circumstances roughly equivalent; and that, if the obvious threats to the Dominican Republic from Cuba and Guatemala were to be minimized, out of justice to the Dominican Government the equally obvious threats to the Haitian Government would have to be minimized for the sake of justice. Accordingly, I said to Ambassador Déjean that if Ambassador Guell of Cuba were to meet with any success in taking the teeth from Resolution II; and if, at the same time, out of a spirit of justice, the Organ of Consultation were to feel it equally necessary to remove some teeth from Resolution I, obviously only Haiti would be the loser. In sum, Ambassador Déjean and I were in complete agreement that the amendments presented by the Representative of Panama,² if approved, would so change the character of the recommendations of the Investigating Committee as to constitute an injustice towards

¹ At the meeting of the Council acting as Organ of Consultation on April 3, 1950. For text of the Panamanian amendments, see *Organizacion, Acta*, vol. v, OEA/ser. G/II, C-a-53-64, pp. 709-711.

² Ambassador Rodolfo Herbruger.

Haiti, and at the same time, somewhat less than circumstances require in regard to the Cuban and Guatemalan phase of the matter.

I suggested to Ambassador Déjean that he discuss this matter fully with Ambassador Quintanilla, who seemed disposed to follow what he considered a "conciliatory" policy. Ambassador Déjean, on his part, asked me to express my views the first thing Saturday morning at our next session, which I said I should be glad to do.

In the course of the conversation, I took advantage of the occasion to suggest to Ambassador Déjean that it would be well received if the Haitians withdrew their proposals regarding Trujillo's war powers, the expulsion of Roland and Viau, and an arms limitation agreement between Haiti and Santo Domingo,³ on the grounds that such motions would be defeated now, and it might be smarter to withdraw them on Haiti's own initiative as a gesture of cooperation. I recommended a broad-minded and conciliatory attitude rather than an aggressive one on the part of Haiti, and, while I think Ambassador Déjean understood this, he made no comment in that regard.⁴

[PAUL C. DANIELS]

³ For text see *Organizacion, Acta*, vol. v. OEA/ser. G/II, C-a-53-65, pp. 702-704.

⁴ Further documentation on U.S. efforts to encourage prompt passage of the resolutions without amendment is in files 720.00 and 638.39 for March and April 1950.

638.39/4-1150

*The Secretary of State to the United States Representative on the
Council of the Organization of American States (Daniels)*

RESTRICTED

WASHINGTON, April 11, 1950.¹

No. 4

The Secretary of State refers to instruction No. 2 of March 10, 1950,² concerning the work of the Caribbean Investigating Committee of the Organ of Consultation, acting under the Inter-American Treaty of Reciprocal Assistance to consider cases brought before it by Haiti and the Dominican Republic, and to the consideration of the Report prepared by that Committee, which will begin in the Organ of Consultation on April 3, 1950. With regard to the draft resolutions proposed by the Committee, the basic objective of the Department is to obtain their approval, particularly the first three, which apply in the most direct way to the cases being considered, with minimum amend-

¹ This is the date of record. The date of the final draft is March 30. See footnotes 7 and 8 below for indications that Ambassador Daniels was operating under this instruction at meetings of the Council acting as Organ of Consultation held between April 3 and April 8.

² *Ante*, p. 650.

ment or debate.³ Since it has been pointed out, however, that certain aspects of the resolutions may be open to interpretations contrary to those deemed desirable by this Government, the attached memorandum has been prepared for the guidance of the US Representative on the Council of the Organization of American States, acting provisionally as the Organ of Consultation, for these cases if in his discretion a suitable opportunity arises for expressing the viewpoint of this Government on these matters.

[Annex]

MEMORANDUM

RESTRICTED

MARCH 30, 1950.

The following comments with regard to points which may arise in the April 3 meeting of the COAS, acting provisionally as Organ of Consultation, have been prepared for your information and for such use as may be appropriate in the circumstances.⁴

It is recognized that the primary objective of this Government in the debate should be to support approval, in the minimum amount of time and with minimum amendment, of the resolutions proposed by the Caribbean Investigating Committee, particularly the first three which apply in the most direct way to the two cases being considered by the Organ of Consultation. The Secretary has made it a matter of public record that "the United States gives full support to the conclusions and recommendations presented by the Caribbean Investigating Committee . . .".⁵ The tactical difficulties which may ensue if the resolutions are opened up to large-scale amendment are obvious, and it is believed that the risk of suggesting minor points of amendment, however desirable these may appear, makes it necessary for us to avoid the difficulties involved in precipitating extensive debate. Furthermore, it is recognized that there has already been accomplished a very considerable watering down of proposals of the

³ For citation to texts of these resolutions as originally submitted, see footnote 3 to the memorandum of a conversation held March 16 by Ambassador Daniels, p. 654. For text of the resolutions as amended and adopted at the meetings noted in footnote 1, above, see *Annals*, 1950, pp. 147-151, or Department of State *Bulletin*, May 15, 1950, p. 771. An analysis of the actions of the Organ of Consultation by Edward A. Jamison, Officer in Charge of Special Political Problems in the Office of Regional American Affairs, is printed *ibid.*, July 3, 1950, p. 18.

⁴ This memorandum embodies some of the comments made in an attached memorandum of March 22, 1950, from Mr. William Sanders, Special Assistant to the Assistant Secretary for United Nations Affairs, to Ambassador Daniels (not printed).

⁵ For Secretary Acheson's statement of March 22, see Department of State *Bulletin*, April 3, 1950, p. 523.

type originally submitted by Ambassador Zuleta Angel,⁶ which went much further in the direction of unwarranted action by the Organ of Consultation than can be interpreted to result from the wording of the resolutions as they now stand.

In view of the possibility of interpretations of the resolutions such as those suggested in Mr. Sanders' memorandum of March 22, 1950, however, and the desire that we make it clear for the record that, if so interpreted, the action of the Organ of Consultation would have unfortunate repercussions, it is suggested that in your discretion, if a suitable opportunity should arise in the course of the debate, the position of this Government on the following specific points should be stated:

1. That the language of paragraph 1 of the Declaratory part of Resolution I, and that of paragraph 3 of the Declaratory part of Resolution II, does not, in the opinion of the United States involve a judicial determination that specific treaty obligations have been violated, since the Organ of Consultation is obviously not a court of law and is, therefore, not the appropriate body to make such legal findings. The emphasis should be on the view that the facts were contrary to norms or principles basic to the inter-American system rather than on their constituting violations of specific treaty provisions.

2. That the inclusion of the words "to protect the principle of non-intervention" in paragraph 2 of the Declaratory part of Resolution I and in paragraph 4 of the Declaratory part of Resolution II is in no sense to be interpreted to mean that the Rio Treaty is applicable to all instances in which it may be alleged that the principle of non-intervention has been violated. It is clear that the Rio Treaty is applicable only in those instances when violation of the principle of non-intervention results in a fact or situation within the meaning of Articles 3 or 6 of the treaty.⁷

3. That action by the COAS, acting provisionally as Organ of Consultation, of the type provided for in Resolutions IV and V is only warranted if it stems directly from the situations or disputes which that body has been convoked to deal with. This point might be emphasized by our taking the position on the voting on these two articles that these two resolutions emanate directly from the consultative organ's handling of the Haitian and Dominican complaints, and therefore that the parties directly interested who would otherwise be entitled to vote—Haiti, Dominican Republic, Cuba—should be excluded from the voting on these resolutions.⁸

⁶ Colombian Representative on the Special Investigating Committee. Reference is apparently to proposals submitted by Ambassador Zuleta Angel before the resolutions were reported out by the Committee.

⁷ Ambassador Daniels' memorandum of April 8, 1950, not printed, regarding that day's final meeting of the Council acting as Organ of Consultation, contains his report of statements he then made which conform closely to the sense of the preceding two numbered paragraphs. (638.39/4-850)

⁸ In his memorandum of April 8, Ambassador Daniels noted these countries were allowed to vote by a ruling of Chairman Quintanilla, but that he had gone on record as approving a statement that these last two resolutions could only be regarded as suitable for action by the Organ of Consultation by virtue of their having emanated directly from the specific cases under consideration.

For minutes of the meeting of April 8, see *Organizacion, Acta*, vol. v, OEA/ser. G/II, C-a-53-64, pp. 723-814.

713.00/4-1750

*Memorandum of Conversation, by the Director of the Office of
Middle American Affairs (Mann)*

CONFIDENTIAL

[WASHINGTON,] April 17, 1950.

Subject: Caribbean Situation

Participants: Ambassador Robert Butler

MID—Mr. Mann

Mr. Price ¹

Mr. Desvernine

The Ambassador stated that immediately prior to his departure from Habana he had received a telegraphic communication from Ciudad Trujillo informing him that the Dominican Government was willing to accept the return of the *Angelita* ² and to waive any further claims for reparations. The Ambassador had previously received the consent of President Prío to return the vessel in the same condition in which it was at the time it was captured, provided the Dominican Government waived further claims.³ The Ambassador added that he had agreed with President Prío to follow through in this matter and that he proposed to make certain suggestions to President Prío regarding the type of statement which might be released at the time the transaction is consummated. The Ambassador felt that Prío should be permitted to derive maximum credit from this operation but agreed that any statement to be made should be cleared previously with the Dominicans in order not to jeopardize the very purpose which is sought by this transaction. The Ambassador further agreed that, since the question of the *Angelita* has been the subject of specific recommendations by the COAS, the latter would have to be tied into any statement or publicity which might be given to this matter.

Regarding Haitian-Dominican relations, the Ambassador said that he would stay clear of this matter and leave it in the hands of our representative missions in those countries, but he expressed the view that he would have been able to work out a satisfactory settlement through the Haitian and Dominican representatives in Habana.⁴ Mr. Mann remarked that the Haitian Foreign Minister, who was recently in Washington, had not seemed disposed to act promptly in working

¹ Leonard H. Price, Officer in Charge of Caribbean Affairs.

² The *Angelita* was a Dominican motor schooner seized by revolutionary elements during the Cayo Confites controversy between Cuba and the Dominican Republic in 1947. For documentation, see *Foreign Relations*, 1947, vol. VIII, pp. 629 ff.

³ In despatch No. 1464, June 28, 1950, from Habana, Ambassador Butler reported that the two countries had agreed that the *Angelita* would be returned to the Dominican Republic and that the latter would drop all reparations claims arising from her seizure. (637.39/6-2850)

⁴ Jean Jacques Maclair Zephirin and Felix W. Bernadino.

out an arrangement with the Dominican Republic along the lines contemplated in the suggestion advanced by Ambassador Butler.⁵ Mr. Mann felt, however, that within a reasonable period of time these matters would be satisfactorily worked out.⁶

The Ambassador stated that he was strongly in favor of an anti-Communist declaration which would help to bring these countries together by providing a common meeting ground. He elaborated on this suggestion further by explaining that what he had in mind was a declaration worded in general terms to be subscribed not only by the countries in the Caribbean but by all the American republics, including the United States. He added that President Prío could take the initiative in proposing this and that this initiative would assist Prío's Government very considerably in strengthening its position at home with particular reference to the current political campaign. The Ambassador requested that his suggestion be given prompt and careful consideration in the Department. Mr. Mann stated that there would necessarily be many angles to be considered and various offices in the Department would have to be consulted. He promised, however, the matter would be taken up without delay with a view to determining our position.

Referring to the current political campaign in Cuba and in particular to the campaign for mayor of Habana, the Ambassador emphasized that the interests of this Government lay in a victory of the Government Party. He said that a hard blow would be dealt to the Prío Government and indirectly to us if the opposition group, which includes the Communists, should win on June 1. He said he had told President Prío of his feelings in the matter and had made some suggestions to him with regard to the campaign. Mr. Mann stressed the importance of non-intervention in internal Cuban politics and remarked that the greatest disservice that Ambassador Butler could render to President Prío would be for the opposition to accuse the American Ambassador of intermeddling in Cuban politics. Ambassador Butler agreed that this was so and said he was careful to avoid any such contingency but that the opposition of course knew that he was friendly to Prío.

⁵ In a telephone conversation with Mr. Desvernine on April 12, 1950, memorandum not printed, Ambassador Butler had stated that he had reason to believe that the Dominican Government was willing to settle certain outstanding differences with Haiti in favor of the latter provided Haiti agreed to an exchange of Ambassadors and an anti-Communist pact. (637.39/4-1250)

⁶ In telegram 14, July 17, from Ciudad Trujillo, Ambassador Ackerman reported that José Enrique Aybar had been named Dominican Ambassador to Haiti. (601.3938/7-1750) The Ambassador stated in telegram 20, July 27, that the Dominican Government had given its *agrément* to Théophile Richard as Haitian Ambassador (601.3839/7-2750).

420.118/4-2650: Airgram

The Secretary of State to the Embassy in Cuba

CONFIDENTIAL

WASHINGTON, April 26, 1950.

A-141. When the Council of the Organization of American States began consideration of the charges of Haiti and the Dominican Republic against the governments of the Dominican Republic and of Cuba and Guatemala, the Department adopted a policy of refusing to permit the export of armaments to those four countries. (Exception has been made in the case of non-military armaments such as .22 calibre rifles and ammunition.)

For your information, the Department has concluded that this ban on the export of armaments to the four countries involved in the recent disputes will be maintained until the Department is satisfied that the situation in the Caribbean has become sufficiently tranquilized. The Department will give this matter continued consideration with a view to removing the ban on normal exports of armaments as soon as circumstances so warrant. The Embassy will be advised of any change in this regard.¹

ACHESON

¹ In telegram 11, July 10, 1950, to Habana, the Department stated: "In view generally favorable report Special Comite COAS, Dept now feels temporary prohibition arms and equipment to Cuba, Dom Rep, Haiti and Guat can now be lifted, Dept A-141, Apr. 26. Ambs these govts in Wash being advised tomorrow." (420.118/7-1050) For the functions of the Special Committee for the Caribbean, set up under Resolution III, April 8, 1950, of the COAS acting as Organ of Consultation, see *Annals*, 1950, p. 149. For the Special Committee's First Report of June 30, 1950, see *ibid.*, pp. 406-410.

713.00/5-1050

The Director of the Office of Middle American Affairs (Mann) to the Ambassador in Cuba (Butler)

CONFIDENTIAL

WASHINGTON, May 10, 1950.

OFFICIAL INFORMAL

DEAR MR. AMBASSADOR: In accordance with my promise to you, I have discussed with Mr. Battle, and with officers in the Department closely identified with the problem of Communism, the advisability of your suggesting to President Prió that he initiate action leading to a joint anti-Communist declaration in the Caribbean.

The consensus here is that such a suggestion would not serve a useful purpose. There are three reasons for this conclusion. First, we are of the opinion that Resolution 32 of the recent Bogotá conference, similar resolutions of UN agencies and the principles of the inter-American system already make amply clear our opposition to Com-

munism as well as the opposition of the Caribbean states. What is needed is implementation of existing policies rather than restatements of policies. Second, such a statement might lead to adoption of resolutions for multilateral action. Our experience during the last war leads us to believe that a bilateral approach is more effective than the multilateral approach in bringing about concrete measures to deal with Communism. Third, a Caribbean statement or pact would be of a sub-regional character and, in the event that additional multilateral inter-American action becomes necessary, probably the forum should be the Organization of American States so as to get away from the concept of small blocs and make the action general in scope and significance.¹

As you know, these opinions are consistent with the views which our Government has taken concerning parallel initiatives by the Philippines, the Dominican Republic, Chile, and, more recently, Bolivia.

I should say that I am only expressing what I believe to be a present consensus; circumstances may change and, if they do, it might be desirable to reconsider.

This letter gives me an opportunity to say that I enjoyed seeing you during your last visit to Washington and I am sure that the exchange of views was helpful to us. We have a common objective and interest and I hope that you will count on us for loyal cooperation.

Please give my best wishes to Mrs. Butler who was such an excellent hostess during my recent visit in Habana.

Sincerely yours,

THOMAS C. MANN

¹ In an attached memorandum of May 2, 1950, not printed, to Willard F. Barber, Deputy Assistant Secretary of State for Inter-American Affairs; John C. Dreier, Director of the Office of Regional American Affairs; and Messrs. Battle, Price, and Desvernine, Mr. Mann said:

"The attached represents the views of the several officers we consulted concerning the utility of a Caribbean anti-Communist pact or settlement.

"An additional reason for our reluctance to go along with Ambassador Butler's suggestion is the possibility that a U.S. initiative at this time might involve us in the election campaigns now being carried on in Cuba and Guatemala. Ambassador Butler gave, as one of his reasons for favoring the plan, his belief that it would strengthen the chances of the Prío slate in the Habana mayoralty elections." (713.00/5-1050)

637.39/9-1850

The Counselor of Embassy at Habana (Elbrick) to Mr. Eugene Desvernine of the Office of Middle American Affairs

RESTRICTED

HABANA, September 18, 1950.

OFFICIAL INFORMAL

DEAR GENE: We have been very much interested recently—not to say slightly alarmed—at the rather ominous trend in Cuban-Domini-

can relations, particularly as evidenced by the various representations made to the Department and the OAS by Dominican representatives in Washington.¹ My own reaction to the apparent inability of the Dominicans to let sleeping dogs lie is one of extreme annoyance and I can assure you, as indicated by Dihigo's remarks to me recently (our despatch No. 585 of September 12),² that this feeling is shared by the Cubans as well.

It appears to me that the Cubans have made sufficient obeisance to President Trujillo and that, if Trujillo's extraordinary pride would only permit him to act in a sensible manner, he would have seized the opportunity offered to him in recent months to allow the Cayo Confites affair to sink into the oblivion that it deserves. Apparently Trujillo is not so constituted as to permit him to forget and forgive, and he insists upon claiming his pound of flesh. From what Dihigo told me I gather that the Cuban Government is not at all disposed to grant further concessions to the Dominicans and this I think is quite understandable. I was of the opinion that great progress had been made in restoring Cuban-Dominican amity and friendship, but it is now obvious that the Dominicans are unwilling to allow any final settlement except on their own terms.

The Dominican Chargé in Habana has just returned from a visit to Ciudad Trujillo where, he says, he had a most disagreeable interview with President Trujillo. He said that Trujillo has gathered copies of all of the Cuban newspapers and magazines which have published articles recently "slandering" him and the Dominican Republic. He was in such a state of high dudgeon when Bernardino saw him that he ordered Bernardino to return to Habana and close the Dominican Legation here. Bernardino says that he asked President Trujillo to give him another chance to smooth matters over and said that he would like another opportunity to speak to Ambassador Butler on this subject. Apparently Trujillo gave Bernardino permission to do so, but stated that if this anti-Dominican press barrage cannot be stopped he is going to close down the Dominican mission

¹ In a memorandum dated September 7, 1950, of a conversation held September 5 with Ambassador J. R. Rodriguez, Dominican Representative to the Organization of American States, Mr. Charles C. Hauch of the Office of Middle American Affairs wrote in part:

"In response to my inquiry Ambassador Rodriguez confirmed that the Dominican Government does not regard the controversy as completely settled by the return of the *Angelita*. He reiterated what we had already heard from other Dominican sources, namely, that the Dominican Government does not expect material compensation for damages from Cuba, but does want to receive 'moral compensation and guarantees'. He said that by this his Government has in mind recognition by the Cuban Government, probably in an exchange of notes with the Dominican Government, of its failure to meet its international obligations in connection with the organization of the Cayo Confites plot, and its commitment not to permit such things to happen again." (739.00/9-550)

² Not printed; this despatch contains a detailed outline of the Cuban point of view. (637.39/9-1250)

here. Bernardino said that he told Trujillo that Ambassador Butler had been a good friend of the Dominican Republic and that what had been accomplished to date in improving Cuban-Dominican relations is due to his good offices. Naturally we have no way of knowing how much Bernardino has embroidered on the account of his interview.

It seems to me that this matter has taken a twist which might prove to be very disagreeable to Ambassador Butler and to this Embassy. Bernardino, by his recent maneuvering, has attempted to place the onus of this whole business on the Embassy here, as you can readily perceive, and I am afraid that he may present the matter to Ambassador Butler in exactly this way when the Ambassador returns. I know that the Ambassador has been doing everything he could to help matters, but I know also that he feels that he can go only so far. While he is disposed to use his good offices wherever possible to straighten out Dominican-Cuban difficulties, nevertheless he will not relish the idea of being blamed if negotiations between the two countries break down and diplomatic relations are broken off.

We shall do everything we can here to convince Bernardino that he is jousting with windmills and that the Dominican Government expects far too much if it thinks that it can force the Cuban Government to control the Cuban press to the extent desired by Trujillo. I have noticed in recent memoranda of conversations from the Department that the officers of the Department have attempted to drive this point home to the Dominican representatives in Washington. I think that more of this is needed and I hope you will agree that it would be wise for the Department to call in the Dominican Ambassador and place the issue squarely before him, pointing out that the Dominican Government can hardly expect the Cuban Government to clamp a censorship on the local press.³

I, for one, feel that this Cayo Confites record has been played too often and that both nations should stop their yapping and forget the whole matter. In any event, I feel that any further needling by Trujillo will only serve to create further disturbances in this area and will carry us farther than ever from a solution of the Caribbean problem. While I know that the Cuban Government has been guilty

³ In telegram 56 to Ciudad Trujillo, September 28, the Department in part instructed the Embassy to inform General Trujillo, should favorable opportunity present itself, of the "... extreme likelihood that further insistence by Dom Rep of its 'pound of flesh' from Cuba will weaken rather than strengthen moral position his Govt before inter-Amer community. If Pres refers to alleged anti-Dom attitude some portions Cuban press and radio, you may wish point out that COAS/OC Res referring to 'systematic and hostile propaganda' contain express limitation to insure that no violation by any Govt of its constitutional guarantees re freedom of expression was called for and point out that extreme sensitivity each instance alleged anti-Dom press attack may be *contraproducente*." (361/9-2850)

In telegram 80 from Ciudad Trujillo, September 30, Ambassador Ackerman indicated in part that he had spoken with the President as instructed but did not specifically refer to his own remarks. (637.39/9-3050)

in the past of unfriendly behavior toward the Dominican Republic, I feel that it has made sufficient formal retribution and I am convinced that it will never make a public confession of guilt, as desired by Trujillo.

I should greatly appreciate your thoughts on this subject and any suggestions that you may have as to any action we can properly take in Habana.

Sincerely,

C. BURKE ELBRICK

637.39/10-1750

*The Director of the Office of Middle American Affairs (Mann) to the
Ambassador in the Dominican Republic (Ackerman)*

RESTRICTED

WASHINGTON, October 17, 1950.

DEAR MR. AMBASSADOR: Thank you for your letter of October 11.¹

You may or may not have heard of the most recent developments in the Dominican-Cuban controversy. As you know, the OAS Caribbean Committee recently talked in New York with the Foreign Ministers of both countries and, as I understand, they indicated their preliminary agreement—subject, of course, to the approval of their Governments—to a final report of the Committee which in effect would state that there are no pending problems between the two countries requiring further attention by the Committee. It would be a fine thing if both Governments were to approve this draft since it would dispose of the two current headaches of the Dominicans' desire for "moral satisfaction" on the Cayo Confites affair and the Dominican contentions concerning press criticism in Cuba.²

We have given a great deal of thought to the problem of the continuation of the Committee and have concurred with Paul Daniels' recommendation that the Committee cease to exist as soon as the interested Governments agree that the problems with which it is concerned no longer exist. The Committee's power to act is limited to the old controversy. It would not be able, without further authority from the OAS, to deal with a new situation. We therefore concluded that it would be better to give the present committee a decent burial and to rely on its successful functioning as a precedent for the constitution of a new committee if the need should arise.

If the Committee is dissolved I think it is important that the Dominican Government understand that this is merely a procedural matter and that it does not indicate any lack of will on our part to

¹ Not printed.

² A copy of the first draft of this report is attached to Mr. Daniels' memorandum of October 3, 1950, not printed, reporting on that day's meeting of the Special Committee for the Caribbean. (637.39/10-1750)

support the constitution of a new committee if future circumstances should require it. In short, whatever happens to the existing Committee we have at hand the means for dealing with new disturbances to the peace in the Caribbean and there is no reason why the Caribbean states should not continue to look to the OAS as their first line of defense.³ If we can get this idea across maybe we can also encourage all the interested states to spend less on armaments for possible use against an American state and divert more of their expenditures to economic development and the defense of the Western Hemisphere against possible aggression by a non-American power.

With best wishes,

Sincerely yours,

THOMAS C. MANN

³ In telegram 97, October 23, 1950, from Ciudad Trujillo, Ambassador Ackerman said in part that he felt discontinuance of the Special Committee for the Caribbean inadvisable because discord had continued to exist between Cuba and the Dominican Republic and the Committee had been a factor in the more tranquil political situation then existing. (739.00/10-2350)

In his memorandum of a telephone conversation with Ambassador Ackerman on October 26, 1950, Mr. Mann reported in part: "I said that in my opinion the essential task of the Special Committee and the Investigating Committee was to deal with the threat of military aggression and that it would be unfortunate if the Committees were to become involved in questions which were essentially political, such as the question of the moral satisfaction for Cayo Confites statements in the Cuban press, etc. I said that this matter impaired the prestige of the Committee and the use of its work as a precedent in case future threats of aggression should occur and it should be necessary to reconstitute a committee to deal with the situation." (739.00/10-2650)

361/10-2650 : Telegram

The Ambassador in the Dominican Republic (Ackerman) to the Secretary of State

CONFIDENTIAL

CIUDAD TRUJILLO, October 26, 1950—7 p. m.

PRIORITY

100. As President Trujillo out of city discussed OAS Committee report Acting Foreign Secretary Calderon who informed me Dominicans cannot accept this report in present form. Objections are taken to statement "as regards Resolution II, committee pleased state that situation continues satisfactory as set forth in report of June 30 last and nothing has occurred which might be considered as failure to comply with resolution on these points or as disregarding consultative organ. The Governments of Cuba and Guatemala have definitely informed comm, it is their intention continue not to permit interventionist movements nor illegal traffic in arms within their territories."

Also committee's statement with reference Cuban-Dominican relations "Committee notes with great satisfaction that as result such

conversations Governments of Cuba and the Dominican Republic have reached a satisfactory agreement" also relating *Angelita*, agreement comm states "thanks to high spirit which has animated both governments in reaching an agreement the comm considers that now a friendly and cordial solution has terminated that controversy".

Dominicans contend facts of case are (1) that Cuba has not taken steps to prevent Dominican exiles, Cuban citizens and others from engaging enterprises directed at disturbing peace in Caribbean and aimed at overthrow of this government and other Central American Governments. It is far fetched believe that these elements resident Cuba limit their interventionist activities to meetings abroad, (2) Cubans have not followed recommendations committee to discuss with Dominicans claims arising from Cayo Confites. Settlement of the *Angelita* which was accepted by Dominicans having renounced legitimate claims detention and deterioration was only part of Dominican claims arising from Cayo Confites and should not be considered full settlement of affair.

To extent there have not been any further actual revolutionary attempts during life of comm, the Dominicans recognize situation as improved, but more fundamental it considers attitude of governments one toward the other must improve and international commitments honestly administered to stamp out interventionist activities.

Calderon informed me Dominican Government, which has complied in all respects with suggestions consultative organ, will not renounce its claims against Cuban Government until they manifest some sign sincere intention discourage interventionist activity and permit the normal functioning Dominican diplomatic representatives. Dominicans continue disposed enter into bilateral discussions with Cubans but feel renunciation these claims before having convinced Cubans desirability amicable relations will lead to renewed difficulties and weaken authority any future good-will comm which may be set up by OAS.

I was unable convince Calderon desirability accepting present draft report of comm or that the problems it was created to solve have been fully dealt with. He had no satisfactory phraseology substitute in draft report but suggested I discuss matter further with Diaz Ordenez upon my arrival in Washington.¹

ACKERMAN

¹ In its brief Second Report of October 31, the Special Committee for the Caribbean noted improvement of relations among Caribbean countries but stated that a more detailed report would be postponed "for some days." Text of the Second Report is printed in *Annals*, 1950, pp. 410-411.

739.00/12-2850

The Ambassador in Cuba (Butler) to the Department of State

RESTRICTED

HABANA, December 28, 1950.

No. 1360

Dr. José Horacio Rodriguez, son of General Juan Rodriguez,¹ called at the Embassy December 27, 1950, stating that he had withdrawn from all Dominican revolutionary activity and that he planned to proceed to Venezuela during the first days of January 1951. He said he had been promised an initial visa valid for six months and had been given to understand his permission to reside and earn a living in Venezuela could be extended indefinitely. (A subsequent conversation between Dr. Burelli, the Venezuelan Chargé d'Affaires, and the undersigned revealed that the visa for Rodriguez had been authorized and would be granted.)

Rodriguez spoke very disparagingly of Juan Bosch² whom he described as "a man who changed his ideas from day to day and who could convince himself of his own lies." Referring to the Dominican revolutionary movement, Rodriguez stated that, in his opinion, all the hopes and plans of the Dominican exiles were dashed, indicating that was the reason he had decided to give up all his political activities. He guardedly criticized his father who, he stated, tended to lose his head under stress, thereby ruining carefully laid plans. He stated this did not mean he had reached an open break with his father but repeated he was definitely through with all revolutionary activity, barring the extremely unlikely chance, in his opinion, that the entire situation of the revolutionaries should change drastically at some unforeseen time in the future.

Rodriguez mentioned the case of Mauricio Baez (Habana's 1271, December 14, 1950),³ Dominican labor leader, recently disappeared, and gave as his opinion that some Cuban gangster group "such as the A.R.G. or a similar organization" had assassinated Baez for a fee which he thought would probably range from \$40,000 to \$50,000. He said the Dominican exiles believe that Baez has been assassinated on orders of President Trujillo issued through the Dominican Chargé d'Affaires, Felix W. Bernardino, prior to the latter's departure to take up his duties as Consul General in New York. Referring to Bernardino's new appointment, Rodriguez remarked that Trujillo was obviously pleased with Bernardino's work here inasmuch as Bernardino had always aspired to the post of Dominican Consul General

¹ For information on previous Embassy contact with "General" Rodriguez and his son, see despatch No. 811 from Habana, October 19, 1949, *Foreign Relations*, 1949, vol. II, p. 462. Additional pertinent documentation is in files 637.39, 638.39, and 739.00 for 1950.

² Exiled Dominican political leader.

³ Not printed.

in New York which, at the same time, constituted a definite promotion in the Dominican Foreign Service.

Prior to his departure Rodriguez stated that one of the principal purposes of his call was to thank the Embassy for its assistance in getting his wife out of the Dominican Republic.

Comment:

Rodriguez' attitude towards his father and his views on what he apparently considers the wrecked hopes of the Dominican revolutionaries, now scattered throughout the Caribbean area, tend to confirm the Embassy's impression that these Dominican exiles appear to be disorganized and no longer to constitute an effectively organized group. There remains the possibility, however, that in event of general war certain of the more extremist elements among the Dominicans, Puerto Ricans, et cetera, might see in it an opportunity to collaborate with Communist subversive groups for what they might conceivably consider common ends.

For the Ambassador:

EARL T. CRAIN

First Secretary of Embassy

UNITED STATES POLICY REGARDING HEMISPHERE DEFENSE, 1949-1950; PROVISION OF ARMAMENTS AND MILITARY ASSISTANCE TO THE AMERICAN REPUBLICS, AND THEIR PARTICIPATION IN THE KOREAN CONFLICT

[Documentation on this subject is scheduled for publication in volume I.]

**AGREEMENTS PROVIDING FOR AIR FORCE, MILITARY,
AND NAVAL MISSIONS IN CERTAIN AMERICAN RE-
PUBLICS: CUBA, HONDURAS, AND VENEZUELA ¹**

**AGREEMENT BETWEEN THE UNITED STATES AND CUBA PROVIDING
FOR SERVICES OF UNITED STATES AIR FORCE MISSION TO CUBA,
SIGNED DECEMBER 22, 1950**

[For text of the agreement, signed at Washington, see Department of State Treaties and Other International Acts Series No. 2166, printed in *United States Treaties and Other International Agreements*, volume 1, page 887.]

**AGREEMENT BETWEEN THE UNITED STATES AND HONDURAS
RESPECTING THE ESTABLISHMENT OF A UNITED STATES AIR
FORCE MISSION TO HONDURAS, SIGNED MARCH 6, 1950**

[For text of the agreement, signed at Washington, see Department of State Treaties and Other International Acts Series No. 2040, printed in *United States Treaties and Other International Agreements*, volume 1, page 199.]

**AGREEMENT BETWEEN THE UNITED STATES AND HONDURAS
RESPECTING THE ESTABLISHMENT OF A UNITED STATES ARMY
MISSION TO HONDURAS, SIGNED MARCH 6, 1950**

[For text of the agreement, signed at Washington, see Department of State Treaties and Other International Acts Series No. 2041, printed in *United States Treaties and Other International Agreements*, volume 1, page 212.]

**AGREEMENT BETWEEN THE UNITED STATES AND VENEZUELA
RESPECTING APPOINTMENT OF UNITED STATES NAVAL OFFICERS
AND PERSONNEL TO CONSTITUTE A NAVAL MISSION TO VENE-
ZUELA, SIGNED AUGUST 23, 1950**

[For text of the agreement, signed at Washington, see Department of State Treaties and Other International Acts Series No. 2104, printed in *United States Treaties and Other International Agreements*, volume 1, page 573.]

¹ For previous information, see *Foreign Relations*, 1949, vol. II, pp. 470 ff. Only new mission agreements are noted here.

ECONOMIC AND TECHNICAL ASSISTANCE POLICY OF THE UNITED STATES TOWARD THE AMERICAN RE- PUBLICS AS A GROUP

611.00/9-2250 (Bulky)

*Policy Record Guide*¹

CONFIDENTIAL

[WASHINGTON,] March 2, 1950.

DISCRIMINATION AGAINST U.S. BUSINESS

Policy: To protect, insofar as is appropriate, legitimate US business interests in Latin America from discriminatory action on the part of Latin American governments.²

Action Taken:

1. We have pointed out to the Brazilian Government the discriminatory nature of Brazilian laws and decrees favoring Lloyd Brazilian over foreign flag shipping lines, and have obtained revision of the onerous shipping decree requiring that all southbound cargo charges be paid in cruzeiros. (Rio's 963, 10-4-49; Rio's 1167, 12-12-49; Rio's 157 and 162, 2-10-50)³

2. The Acting Secretary has expressed his concern over the unfair treatment of American business enterprise to the Guatemalan Foreign Minister, and a letter has been sent the President of Ecuador protesting the practice of discriminating against US shipping in the collection of consular invoice fees. (Acting Secretary's conversation with Guatemalan Foreign Minister, 11-9-49; ⁴ Assistant Secretary Miller's letters of 10-12-49, 12-9-49, and 2-9-50⁵)

3. Embassy Santiago has been instructed to prepare a formal note protesting the expected Chilean proposal for a forced 50-50 division

¹ The Policy Record Guide is a reference file of which copies were held by the Secretary of State and other officers and for which materials were prepared on an occasional basis.

² Also pertinent is the address of Edward G. Miller, Jr., Assistant Secretary of State for Inter-American Affairs, "A Favorable Climate for Private Investment," delivered in Chicago February 1, 1950. Excerpts are printed in Department of State *Bulletin*, February 13, 1950, p. 231. For complete text, see Department of State *Press Releases*, No. 73, dated January 26 for release February 1, under first date.

³ None printed. For further information, see the editorial note, p. 757.

⁴ *Foreign Relations*, 1949, vol. II, p. 669.

⁵ None printed.

of Chile-US ocean traffic. (Deptel 31 to Santiago, 2-7-50; Santiago's 82, 2-21-50 ⁶)

4. We have made representations to the Argentine government in several specific instances of discriminatory treatment of US business interests and have made it clear in recent conversations with Argentine officials that no additional US investment would occur so long as American business was subjected to the type of treatment now accorded the power and petroleum companies. It was pointed out that settlement of the situation of American business in Argentina was indispensable to even preliminary consideration of the financial problem, and that once these matters were adjusted we would feel our task greatly facilitated by the signature of an economic treaty (Buenos Aires' 509, 6-7-49; ⁷ Buenos Aires' 881, 10-19-49; Deptel 651 to Buenos Aires, 10-23-49; Deptel 731 to Buenos Aires, 12-2-49; ⁸ Montevideo's 49, 2-25-50 ⁹)

⁶ Neither printed. For pertinent documentation, see pp. 783-801, *passim*.

⁷ *Foreign Relations*, 1949, vol. II, p. 505.

⁸ None printed.

⁹ Portions of telegram 49 are quoted in footnotes 9 and 12 to despatch No. 355 from Buenos Aires, March 1, 1950, p. 696.

865/3-2750

Position Paper¹ for the United States Delegation to the Extraordinary Session² of the Inter-American Economic and Social Council

CONFIDENTIAL

[WASHINGTON,] March 27, 1950.

RELATIONS BETWEEN UNITED NATIONS ECONOMIC COMMISSION FOR
LATIN AMERICA (ECLA) AND IA ECOSOC

PROBLEM

The two organizations have terms of reference which virtually duplicate each other. They operate within about the same geographical region and their membership is very nearly the same. No satisfactory basis for the allocation of duties between the two organizations has been found and cooperation at the secretariat level has been unsatisfactory. The Secretariats of each organization are now planning to undertake programs of technical assistance and there is good reason to expect duplication in this field. The problem is how to remedy this unsatisfactory situation, and what policy the United States (and the

¹ Unsigned.

² Held in Washington from March 20 to April 10, 1950.

Latin American governments) should adopt in 1951 when the continuation in existence of ECLA will automatically come up for reconsideration in the UN Economic and Social Council.

RECOMMENDATION

It is recommended that the U.S. Delegation to the Extraordinary Session of IA ECOSOC explore, in informal conversations with the delegates of the Latin American countries the possibilities of a program which:

- (1) ECLA would be abolished by UN ECOSOC in 1951;
- (2) IA ECOSOC would enter into an agreement of relationship with the UN ECOSOC under which the former might become the regional arm of the latter. Under this arrangement, IA ECOSOC might be called on to act in two capacities. Also under this arrangement, IA ECOSOC might be expected to accept recommendations from and report to the UN ECOSOC, within the entire field of the arrangement, in a manner similar to ECE and ECAFE. In return, UN might make available certain funds to IA ECOSOC.
- (3) The PAU might employ in appropriate positions some of the more effective members of the ECLA Secretariat.

DISCUSSION

Chile has been the initiator and chief supporter of ECLA, and its Secretariat is located in Santiago. However, representatives of Chile have intimated to Department representatives that Chile might be willing to agree to ECLA's dissolution if the United States was not prepared to give the Commission its active support.

It is believed that the enthusiasm of other Latin American governments for ECLA may also have cooled. It is likely that if the IA ECOSOC were to hold occasional meetings in Latin America, this would have a further effect on Latin American opinion.

The reasons which can be advanced for the dissolution of ECLA in connection with a program such as is here suggested are:

- (1) There has been found no logical or theoretical basis for allocating work between IA ECOSOC and ECLA in advance. The only *modus vivendi* which has been found has been to allocate each job on an *ad hoc* basis. This has not worked particularly well.
- (2) There is strong evidence in the Department that the ECLA Secretariat, which has naturally sought, by taking an ambitious and aggressive attitude, to justify its existence, has not cooperated at all times with the PAU. Cooperation has not been enthusiastic on the part of the PAU either. For this reason efforts for coordination have not so far been attended by a large degree of success. Unnecessary duplication has, in fact, resulted—as for example, in the case of the economic questionnaire to governments in the fall of 1948.
- (3) As a commission made up of government representatives (as opposed to a Secretariat) ECLA has shown a tendency to adopt useless (although harmless) resolutions which are proposed in many

cases for home consumption, but which have a tendency to cheapen the work of international organizations as a whole.

(4) The preface of the Lleras Report³ to the OAS this fall shows that the OAS now recognizes the need to bring its economic and social activities into far closer coordination with the UN to avoid the duplication which is now beginning to take place on a serious scale.

³ The annual report for fiscal 1949 of Alberto Lleras Camargo, Secretary General of the OAS, is dated November 16, 1949 and is printed in *Annals of the Organization of American States*, 1950, pp. 1-118.

365/6-2050

The Chairman of the United States Delegation to the Special Meeting of the Inter-American Economic and Social Council (Miller) to the Secretary of State

CONFIDENTIAL

WASHINGTON, June 20, 1950.

INTER-AMERICAN ECONOMIC AND SOCIAL COUNCIL SPECIAL MEETING,
MARCH 20-APRIL 10, 1950

DEAR MR. SECRETARY: I have the honor to submit the confidential report¹ of the United States Delegation to the Special Meeting of the Inter-American Economic and Social Council which convened in Washington on March 20, 1950 and adjourned on April 10, 1950.

This was the first Special Meeting of the Inter-American Economic and Social Council. Henceforth, these Special Meetings will be held annually. They were provided for in the Council's statutes in the hope that they would stimulate the interest of the member countries in the Council's work and make its activities more effective. This hope appears justified, if the results of the first Special Meeting, which although not spectacular were highly satisfactory, can be taken as a valid criterion.

There were four items on the agenda of the Special Meeting, namely:

1. Consideration of the Preparatory Work for the Inter-American Economic Conference and Decision on the Future Action of the Council in this Regard.
2. Reservations to the Economic Agreement of Bogotá.²
3. Technical Assistance Program.
4. Economic Effects of Currency Devaluation.

Four committees (A, B, C and D) were set up to consider these agenda items.

¹ Not printed; filed with this letter.

² Text (including reservations) of the Agreement, which was opened for signature May 2, 1948, is printed in *Annals of the Organization of American States*, 1949, pp. 99-108.

For previous documentation, see *Foreign Relations*, 1949, vol. II, pp. 424 ff.

Committee A, which addressed itself to agenda item 1, considered several reports³ prepared by the Inter-American Economic and Social Council pursuant to resolutions adopted at the Ninth International Conference of American States at Bogotá. These reports consisted of the following:

1. Report on the proposed creation of an Inter-American Institute of Immigration.
2. Study of the possibility and advisability of creating an Inter-American Bank or an Inter-American Development Corporation, or Both.
3. Report on the proposal for the creation of an Inter-American Institute of Commerce.
4. The Commercial Credit Policy of the American States.
5. Report on Economic Conditions and Problems of Development in Latin America.

The Committee agreed⁴ with the reports' negative findings with regard to the establishment of an Inter-American Institute of Immigration, an Inter-American Bank, an Inter-American Development Corporation, and an Inter-American Institute of Commerce. It likewise agreed with the conclusion reached in the report on the "Commercial Credit Policy of the American States" that the principal obstacle to the granting of more favorable credit terms in inter-American trade was the existing disequilibria in the payment balances of most Latin American countries rather than any lack of credit facilities.

With regard to the report entitled "Economic Conditions and Problems of Development in Latin America" which contained a number of conclusions with which we disagreed,⁵ Committee A found that while it constituted a noteworthy effort it was not sufficiently complete to provide any definite orientation and that considerable further study of this important subject was required.

The action taken by the Committee in these matters was entirely in accord with the position of our Delegation.

With respect to the Inter-American Economic Conference (Buenos Aires Conference), Committee A resolved that the Inter-American Economic and Social Council give this matter further consideration at its regular sessions and that the advisability of holding the confer-

³ None printed.

⁴ For the report and resolution of this Committee, see *Annals*, 1950, pp. 255-258.

⁵ The U.S. position paper on this subject may be summarized in part as follows: it stated that the report in question accepted uncritically the benefits of government intervention (especially exchange controls), took inadequate note of varying economic conditions from country to country, reached the questionable conclusion that the terms of trade for American Republics had lately deteriorated, tended to promote autarky, and contained no unified discussion of labor and manpower problems. (Enclosure No. 5 to the instruction of March 20, 1950, from John D. Hickerson, Jr., Assistant Secretary of State for United Nations Affairs, writing on behalf of the Secretary, to Mr. Miller, 365/3-2050.)

ence be further discussed at the next Special Meeting. This is tantamount to an indefinite postponement and while the United States Delegation would have preferred a resolution abandoning the idea entirely,⁶ it now seems improbable that the Conference will be held, at least within any presently measurable period.

Committee B dealt with the most difficult agenda item, namely, the reservations to the Economic Agreement of Bogotá.

While the United States Delegation did not deviate from its official position with regard to the reservations, which made the Agreement unacceptable to the United States⁷ and had prevented its submittal to Congress for ratification, it did not attempt to impose our views on the other delegations. In refraining from pressing too strongly for acceptance of the United States position, the United States Delegation was guided by the following considerations: 1) the growing feeling within our Government that the Agreement was not too suitable an instrument and that our economic problems with the countries of Latin America could be more satisfactorily resolved by bilateral treaties such as the one recently concluded with Uruguay,⁸ and 2) the increasing opposition to the Agreement on the part of a number of leading United States business groups which made its ratification (even without reservations) highly problematical.

The absence of any pressure tactics on our part was generally well received although a few delegations appeared disappointed over our failure to take a more aggressive stand. On the other hand, the Guatemalans, Mexicans and Venezuelans, who were unable to agree with our views on the investment provisions of the Agreement found

⁶ The U.S. position paper on this topic read in part:

"The U.S. has never been anxious to have the Special Economic Conference at Buenos Aires held. In the past the chief reason has been that at such a Conference all or most of the Latin American countries would be in practically a single position of requesting things, while the U.S. would stand alone as the country in a position to provide the resources to do them. While this view still prevails to some extent, it is now believed that most of the Latin American countries realize that the U.S. will insist that these countries first prepare a favorable environment for any assistance rendered, and consequently the U.S., especially since Mr. Miller's trip, does not feel so fearful of what might happen at the Conference if it should be held. The U.S. does not feel, however, it should take the initiative either way; if any other country moves to postpone or cancel the Conference, the U.S. will support such a motion, but it would not take the initiative." (Enclosure No. 6 to the document cited in the preceding footnote.)

⁷ In a memorandum of August 3, 1949, to Willard F. Barber, Deputy Assistant Secretary of State for Inter-American Affairs, Ambassador Albert Nufer, U.S. Representative on the IA-ECOSOC, had stated in part: "No action on ratification has been taken by the United States because of the many reservations (including our own) which were entered at Bogotá, especially those reservations made by Mexico, Venezuela, and Guatemala which substantially impair the effectiveness of Chapter IV on private investments." (810.50 Buenos Aires/7-1449)

⁸ For an editorial note regarding the Treaty of Friendship, Commerce, and Economic Development between the United States and Uruguay, signed in Montevideo November 23, 1949, see *Foreign Relations*, 1949, vol. II, p. 794. For text of this Treaty, which has not gone into effect, see Department of State *Bulletin*, September 25, 1950, p. 502.

our attitude highly gratifying. They had from the outset shown concern over the possibility of finding themselves isolated in the event that a move to reach an agreement among the sixteen or seventeen countries disposed to accept our position were to gain momentum.

The fact that the majority of the delegations were in favor of the Agreement and of eliminating the objectionable reservations is difficult to explain considering that only two countries (Costa Rica and Honduras) had ratified the Agreement and that the others had shown little or no interest in it. It is possible that they sensed the United States was not overly interested in the Agreement and that this may have led them to believe it was more advantageous to them than they had previously thought. Some of the delegations doubtless assumed that the Agreement was a prerequisite to the extension of wide-scale United States technical assistance and to the proposed Export-Import Bank guarantees on new private United States investments abroad. A few countries may have felt that if the Agreement became effective, it would obviate the need for bilateral treaties which in their opinion might be less desirable from a political viewpoint. In the case of a few countries, notably Panama, their interest in the Agreement centered around Article 38 which, in accordance with their interpretation, would permit economic disputes to be submitted to the Organization of American States instead of being handled through regular diplomatic channels.

Although a wide area of agreement was reached, it was not possible to eliminate all the objectionable reservations. Committee B therefore referred the problem back to the Inter-American Economic and Social Council for further study recommending, in a carefully worded resolution,⁹ that the American States in their economic relations with one another be guided by those of the Agreement's principles on which unanimous agreement had been reached. The resolution also contained an indirect endorsement of bilateral treaties and was entirely satisfactory to the United States.

Committee C took up the proposed Technical Assistance Program of the Inter-American Economic and Social Council. A resolution¹⁰ was adopted providing for the administrative machinery and establishing the guiding principles for such a program. These guiding principles included all those which the United States had considered basic to the program's successful formulation and execution.

No attempt was made at the Special Meeting to approve any specific technical assistance projects which will be prepared by a Coordinating Committee on Technical Assistance, the technical body which, according to the resolution, is to prepare and carry out the program

⁹ Text is printed in *Annals*, 1950, pp. 258-259.

¹⁰ For text, see *ibid.*, pp. 261-267.

under the Council's supervision. The Special Meeting likewise did not attempt to obtain financial contributions or pledges. The resolution provides, however, that all member countries should contribute to the program from their available technical and financial resources and the Inter-American Economic and Social Council in the course of its regular sessions will, in due course, endeavor to determine how such contributions should be made.

Committee D dealt with agenda item 4, "Economic Effects of Currency Devaluations". Discussion in this Committee was largely academic and no resolutions were adopted. The rapporteur's report¹¹ merely summarized the views expressed by the several delegations and concluded that sufficient time had not yet elapsed to permit a proper evaluation of the effects of recent European currency devaluations on Latin America's economy. Brazil was critical of the efforts of certain European countries to stimulate colonial production (allegedly with ECA funds) of commodities which compete in world markets with those of Latin America. This Brazilian argument was also repeated by the head of the Brazilian Delegation in a lengthy speech at the closing session

The members of the United States Delegation were impressed with the calibre of the delegates that most of the Latin American countries sent to the Special Meeting. Four of the delegates were of cabinet rank and many were top-flight government officials handling economic and financial matters in their respective countries. . . . The choice of Dr. Ramón Cereijo, Argentine Minister of Hacienda, as Chairman of the Special Meeting was in many ways a logical one. Cereijo proved to be a competent chairman. He was dynamic and affable and managed to keep things moving smoothly and rapidly. . . .

Although no spectacular results were achieved at the Special Meeting, it was a highly successful one at least from the viewpoint of hemispheric solidarity. The atmosphere of frank cordiality which prevailed throughout did much to improve our relations with our good neighbors and I personally am convinced that most of them returned to their respective countries better friends of the United States than when they arrived here.¹²

Respectfully submitted,

EDWARD G. MILLER, JR.

¹¹ *Annals*, 1950, pp. 267-269.

¹² Mr. Miller's remarks made at the closing session of the Special Meeting on April 10 are printed in Department of State *Bulletin*, April 24, 1950, p. 650.

Editorial Note

Point IV appropriations became available under Public Law 759 (approved September 6, 1950) which was the general appropriation

act for Fiscal Year 1951 (64 Stat. 595). The \$34.5 million total appropriation was within the \$35 million limit of new funds authorized and existing funds designated for technical assistance by the Act for International Development, approved June 5, 1950 (64 Stat. 204).

From the total appropriation, funds were allocated to other American republics through several channels. Public Law 759 appropriated \$5 million expressly for programs of the Institute of Inter-American Affairs. The Technical Cooperation Administration (established within the Department on October 27, 1950, to supervise all technical assistance) allocated \$1 million as the United States share of the IA-ECOSOC multilateral technical assistance program. TCA had set aside, as of December 31, 1950, \$5.2 million for new and existing bilateral programs, in addition to those of the IIAA. Finally, \$12 million of the total Point IV appropriation went to the United Nations, which undertook some technical assistance projects in the Western Hemisphere. Most of these monies had not been spent by the end of fiscal year 1951.

At the close of 1950 the United States had signed general or "umbrella" technical assistance agreements with Brazil (in Rio De Janeiro, December 19), Nicaragua (at Managua, December 23), Panama (at Panama City, December 30), and Paraguay (at Asunción, December 29). All four Agreements entered into force on the day signed. For the respective texts, see Department of State, *United States Treaties and Other International Agreements* (UST), volume 2, page 851; 1 UST 906; 1 UST 899; and 2 UST 383.

During 1950 questions relating to the future role of the IIAA received considerable attention within the United States Government. The IIAA had been an instrument of United States technical assistance since 1942. Originally a government corporation with a Delaware charter, it had received a federal charter under Public Law 369, approved August 5, 1947 (61 Stat. 780). The Secretary of State appointed all Directors and in 1950 Mr. Miller was Chairman of the Board.

(Documents in file 820.50 for 1949 include several in which Departmental officers discussed the advantages they believed to inhere in the corporate form of organization.)

IIAA projects were primarily in the fields of health, education, and food production. They were ordinarily carried out by means of "servicios": units attached to the appropriate ministries of host countries, to whose funds and personnel both the host and the United States contributed.

A number of memoranda in file 820.00 TA for 1950 indicate that officers of the Bureau of Inter-American Affairs attempted to have

all operating functions of the expanded bilateral technical assistance program in the other American Republics consolidated under the IIAA. Apparently at some point this request was denied, for in a letter of November 29, 1950, to Ellen S. Woodward, Director of the Office of International Relations in the Federal Security Administration, Ambassador Capus M. Waynick, Acting Administrator of the TCA, said in part ". . . that we had limited the role of the IIAA in Latin America to the management of such projects as were specifically assigned in the fields of the Institute's developed interest and that in no case was the Institute assigned exclusive responsibility area-wise or subject-wise in Latin America." Mr. Waynick further assured Mrs. Woodward that in those projects for which it had operating responsibility, the IIAA was to consult with interested federal agencies on programming and personnel selection. (820.00 TA/11-2250)

However, in a memorandum of December 20, Ivan B. White, Economic and Finance Adviser to the ARA, informed Mr. Miller in part that the International Development Advisory Board and the new permanent Administrator of the TCA, Henry G. Bennett, ". . . had agreed in principle on a consolidation of Point IV activities in Latin America under the IIAA." (820.00 TA/12-2050) There the matter rested at the end of 1950. (The IDAB was a board of outside consultants to TCA headed by Nelson Rockefeller; Mr. Bennett, appointed November 14, had assumed his duties early in December.)

In the administrative chain of command at the end of 1950, the IIAA was responsible to the TCA. Yet IIAA retained its corporate identity, and it had a seat on the Interdepartmental Advisory Council on Technical Cooperation.

Considerable additional information regarding the role of the IIAA, the relation of technical assistance programs to United States diplomatic missions, and other issues touching on Point IV is contained in decimal files 120.43, 361, 800.00 TA, and 820.00 TA, and in Lot 103. However, documentation is not such as to enable an exhaustive reconstruction of decision-making regarding the administrative organization of hemisphere Point IV programs during 1950.

Excerpts from remarks on technical assistance by Mr. Miller and Mr. Waynick, made on September 28, 1950, before a Plenary Session of IA-ECOSOC, are printed in Department of State *Bulletin*, October 9, page 589. Full texts of their statements are included in Department of State *Press Releases*, 1950, Nos. 1008 and 1009, September 28, under date.

A compilation concerning the overall Point Four program is scheduled for publication in volume I.

340.210/9-750

The Acting United States Representative in the Third Session of the Economic Commission for Latin America (Ravndal)¹ to the Department of State

CONFIDENTIAL

MONTEVIDEO, September 7, 1950.

No. 164

Subject: Confidential Report on the Third Session of the Economic Commission for Latin America²

In accordance with the Department's confidential unnumbered instruction of June 5, 1950,³ there is submitted, in addition to an unclassified report on the work of the Session, a confidential report on the attitudes of other delegations and on the only political problem which arose during the course of the Session, namely, the future status of the Commission.

It is recommended that copies of this report be distributed to the Missions in the other American Republics, France, the Netherlands, and the United Kingdom.

[Here follows the section on the attitudes of other delegations to the session.]

Future Status of ECLA

The Delegation devoted its representation allowance to a series of small luncheons and receptions at the Embassy residence, during the course of which virtually all of the principal participants at the Third Session were entertained. The Delegation took advantage of these occasions to discuss informally the future status of the Commission and, in accordance with the Department's position paper,⁴ to urge that this question not be formally discussed during the official debates of the Third Session. As a result of these conversations, which supplemented and supported the Department's confidential circular airgram of May 22³ on this subject, the question of the future status of the Commission was hardly mentioned in the formal proceedings of the Session.

The Delegation made a special effort, on a purely personal and informal basis, to exchange ideas with the other participants on this question. Members of the Delegation pointed out that a merger of the ECLA Secretariat and the IA-ECOSOC Secretariat would appear to be advisable in the interest of efficiency and economy.

The four delegations with whom this question was discussed at greatest length—Argentina, Chile, Cuba, and Uruguay—expressed,

¹ Christian M. Ravndal was also Ambassador to Uruguay.

² Held at Montevideo June 5-21, 1950.

³ Not printed.

⁴ Of March 27, p. 673.

likewise on an unofficial basis, the warmest appreciation of the research work of the ECLA Secretariat and their desire that this work be continued. They agreed that amalgamation of the two Secretariats was generally desirable. They advocated, however, that the Secretariat should be located in Latin America. The Cuban Delegation was particularly insistent that, if the Secretariat and the deliberative Council or Commission were to be completely independent and to be free to make full and frank analyses of the Latin American economies, they would have to be located outside of Washington, where they would inevitably be subject to pressures and the general influence of the Washington scene, even though this might not be intended by the United States. Indeed, Ambassador Machado⁵ contended that it was very embarrassing for a Latin American to debate an issue in IA-ECOSOC one day, especially if he had to oppose the United States, and then to come to the Secretary or Under Secretary the next day and ask for a loan or some other favor. The obvious implication was that the Council as well as the Secretariat was inevitably subject to the political atmosphere of Washington, but the Cuban Delegation did not press the point that the Council should meet regularly outside of Washington.

No clear consensus emerged as to how the Council and Commission should be combined, nor as to how the relationship of the future body to the United Nations and the Organization of American States should be defined. Several of the Latin Americans remarked that as long as a United Nations Economic Commission for Europe and Asia existed, there would have to be one for Latin America.

The Netherlands Delegation agreed with the idea of a single Secretariat, but indicated that the Netherlands desired to be represented in whatever future commission emerged because of its large interests in the Western Hemisphere.

The Delegation also discussed this question with Mr. Hernán Santa Cruz,⁶ President of the Economic and Social Council, who confirmed the "gentlemen's agreement" which he had made in New York with Mr. John C. Dreier⁷ of the Department to the effect that neither the United States nor Chile would raise this question formally at the Third Session. Mr. Santa Cruz argued vigorously that the Commission should be continued. He maintained that the ECLA Secretariat was far stronger than that of the IA-ECOSOC and that the Commission represented the principal remaining interest of the Latin American countries in the United Nations (this argument is somewhat belied by the fact that three of the Latin American countries were not

⁵ Luis Machado, Ambassador of Cuba to the United States.

⁶ Ambassador Santa Cruz was also Permanent Representative of Chile to the United Nations.

⁷ Director of the Office of Regional American Affairs.

represented at the Third Session and that about nine others participated through very small delegations in some cases consisting of only the local representative in Montevideo). Mr. David Owen, Assistant Secretary General of the United Nations for Economic Affairs, who attended for the first few days, agreed that the two Secretariats could be merged, provided that the resultant body should be part of the United Nations Secretariat and subject to its direction. Dr. Amos Taylor,⁸ Executive Secretary of the IA-ECOSOC, did not appear to wish to commit himself very strongly on the question of a merger, and indicated his belief that the two Secretariats were effectively coordinating their work without duplication.

As a result of its informal conversations the Delegation believes that a merger of ECLA and the IA-ECOSOC would probably be acceptable to the Latin American countries and to the three European powers, provided that the following conditions are met:

1. There should be retained a single, strong, and independent Secretariat. Dr. Prebisch⁹ is obviously held in the highest esteem by the Latin American governments and constitutes an unusually able champion of their economic views. The research work produced under his direction is welcomed and endorsed by many who might be suspicious of facts and conclusions presented by economists in Washington. It was interesting to note the manner in which many of the Latin American delegates, by the end of the session, had adopted as their own much of the thinking and even the technical phrases used by Dr. Prebisch in his central thesis on Latin American economic development.

2. The single Secretariat should be located in Latin America. It is obvious that many of the Latin Americans distrust the Secretariat of the IA-ECOSOC and feel that any Secretariat located in Washington is subject to political pressures.

3. Any future organization should be related in some way with the United Nations and should receive financial support from it. It would probably be possible to provide that a single Secretariat should submit reports to a single commission or council which would report, on one hand, to the United Nations Economic and Social Council, and, on the other, to the Organization of American States. (Whether the combined body should be called IA-ECOSOC or something else may become a point of dispute. Perhaps a new title could be devised for the Council.) It is recognized that this relationship will not be easy to devise, and will require thorough consideration in Washington and prolonged negotiations with the other members of ECLA.

4. If a merger of the Secretariats takes place, the future Council need not necessarily be limited in site to Washington. At the very least, it would be essential to hold an extraordinary session once a year in a Latin American capital.

5. Some provision should be made for the participation of the three European powers in the work of any future organization. These

⁸ Of the United States.

⁹ Raúl Prebisch of Argentina, Executive Secretary of ECLA.

powers will probably insist that they should be represented in any successor to ECLA if that body is related to the United Nations It is suggested, therefore, that the Department consider procedures by which the three European powers could participate in IA-ECOSOC after the merger of Secretariats, perhaps through participation on special problems or at extraordinary sessions.

General Comments

The Third Session of the Economic Commission for Latin America got off to a slow start, due chiefly to the late distribution of many of the documents, and in fact nearly ten days had elapsed before the principal committee (on Economic Development) really began its detailed work. From this committee emerged the one resolution of substance¹⁰ of the meeting, which was developed in a group on which the United States was not represented. This resolution was thrown together rather hastily from individual projects introduced by several Latin American delegations, and great pride was taken in its ten sections by its authors as representing a sort of "decatalogue" of Latin American economic independence. In its final form the document was perhaps not contrary to United States policies, but the United States group felt that the important matters of policy involved in it should not have been treated so hurriedly or without careful study in relation to other inter-American or international agreements. Comments to this effect, with the suggestion (in accordance with the Department's instructions) that matters of substance growing out of the Prebisch report¹¹ should be submitted to the Governments for study, were made by the United States Delegation. This suggestion, however, was not accepted by the other delegations, which were apparently determined that some sort of policy statement based on the Prebisch report should emerge from the meeting. Finally, as noted elsewhere in this report, the United States Delegation agreed to go along with the resolution subject to later study by its Government. This move was rewarded by a round of applause by the other delegations, the only such action at the meeting on a matter of substance.

The meeting was to a considerable extent dominated, among the Latin American delegations, by the groups representing Chile, Cuba and Uruguay. The United States Delegation, following the spirit of its instructions, played largely a passive role, especially at the beginning of the meeting, and were in fact criticized in a private conversation with the head of the Chilean Delegation for not taking a position of leadership at the meeting. Mr. Baltra expressed criticism also to the United States group for "continuing its campaign of trying to

¹⁰ Details of resolutions adopted at the Third Session are given in United Nations, *Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 9*, "Economic Commission for Latin America: Report for the Period 15 June 1949-21 June 1950," *passim*.

¹¹ *Economic Survey of Latin America, 1949* (E/CN.12/164).

sabotage ECLA." It was explained to Mr. Baltra, however, that the private, off-the-record conversations between the United States Delegation and his and other delegations were solely for the purpose of determining whether there was a consensus among the delegations as to the future of ECLA and its relationship with the IA-ECOSOC.

The meeting produced about what might have been anticipated, the main result being to request the Secretariat to continue and broaden its studies of Latin American economic problems. It was commonly recognized, however, that the studies called for by the resolutions of the Third Meeting, coupled with the unfinished work which had been requested by the Second Meeting at Habana, would be beyond the capabilities of the Secretariat during the coming months. At the suggestion of the United States Delegation, therefore, the Executive Secretary consulted with the heads of the principal Latin American delegations, and a schedule was drawn up and approved by the Commission establishing an order of priority in which the requested studies should be undertaken.

On the whole, it is believed that the United States Delegation, while not taking a position of prominence at a meeting which was primarily Latin American and at the same time trying to be helpful on technical matters and in coordination of the work, was able to maintain friendly relations with the other delegations and operate within the terms of the Department's instructions.

C. M. RAVNDAL

Lot 53 D 26 : Folder "Policy"

Memorandum by the Assistant Secretary of State for Inter-American Affairs (Miller) to the Director of the Policy Planning Staff (Nitze)

TOP SECRET

[WASHINGTON,] September 27, 1950.

FOR DEPARTMENTAL USE ONLY

There is no disposition on the part of ARA to challenge the proposed U.S. aid program to South Asia¹ simply on the grounds that it leaves our neighbors to the South as the one area not subject to large-scale U.S. assistance.

Our ability to explain and defend this new program before the Latin Americans is gravely impeded, however, by two minor segments of the program, as follows:

1. The extension, directly or indirectly, of U.S. grant aid to the Arab states, irrespective of their individual dollar and foreign exchange position.

¹ See *Foreign Relations*, 1950, vol. VI, pp. 1-188, *passim*.

How is it possible to justify on either moral or logical grounds the extension of U.S. grants to a heavy dollar and gold earner such as Saudi Arabia, when similar assistance is not available to such poverty-stricken, dollar-short countries as Paraguay and Ecuador?

2. The use of a certain amount of U.S. grants for technical assistance and financing of African development.

A segment of this program is, I understand, designated to expand production of crops competitive to those traditionally produced by Latin America for the European market. This aspect of the African program creates frictions in Latin America out of all proportion to its magnitude or intrinsic importance.

820.00/10-2950

Unsigned Memorandum Prepared in the Bureau of Inter-American Affairs

TOP SECRET

[WASHINGTON,] October 29, 1950.

ECONOMIC EFFECTS OF THE DEFENSE MOBILIZATION PROGRAM ¹

(For Under Secretary's Meeting on Monday, October 30, 1950.)²

The general substance of the paper presented by E³ regarding the above subject is fairly well known to everyone who has been reading the newspapers, although the most recent statistical data here may not be available to the public.

There are two aspects of the data in the paper that concern ARA especially: first, continuation of the trends described in the paper would be both advantageous and disadvantageous to Latin America, with the disadvantages exceeding the advantages; second, in connection with some of the elements in the situation the U.S. Government could and should take action.

It seems unnecessary to say that continuing rising prices of raw materials and foodstuffs (coffee and cocoa beans), as shown on page 2, will mean greater dollar income for Latin America; this, in turn, means greater ability to obtain abroad needed capital as well as consumer goods, to build up depleted dollar reserves and thus to strengthen the basic position of their currencies, etc. On the other hand, rising prices also mean greater cost of imported goods, greater pressure on supplies of goods both within the Latin American countries and in the U.S., and, on the whole, greater internal inflation in Latin America. To the extent that the larger income from Latin American

¹ For related documentation, see memorandum by Mr. Miller to Louis J. Halle, November 7, p. 625.

² There is no evidence as to whether this paper was distributed for use at the meeting in question.

³ UM D-116/1, October 27, 1950, not printed. (Lot 53 D 250: Files of the Under Secretary's Meetings)

exports cannot be used because of our export controls, the effect will be inflationary, since no Latin American country has taken, and it seems doubtful that in the near future any will take, steps to sterilize the excess exchange and mop up the excess local circulating media; this will mean greater pressure against the supply of goods within each country, rising internal prices and wages, higher costs of production, and higher prices charged to foreigners for Latin American exports, thus completing the circle and initiating the process all over again. This "vicious circle" would not be so ominous if we could expect anti-inflationary measures (higher taxes, credit restrictions, etc.) to be adopted by these countries, but the experience during World War II gives us little reason to hope that such salutary devices will be used, or that other beneficent expedients, like price controls, will be successfully employed. Even our plans for sizeable loans for general economic development and for the execution of programs considered vital to our national interests will be inflationary at first, in as much as the increased production that will eventually result will come much later, especially since the effective labor supply in Latin America is somewhat limited and far less mobile than in more highly developed countries. Here again, the inflationary impact of our plans would be greatly reduced in Latin America if counteracting domestic measures could be anticipated. We probably cannot induce these countries to adopt such measures in the near future, but we should, for our own benefit as well as that of the Latin American and other countries, do what we can to minimize the inflationary effects of our actions. One specific thing we can do, it seems to me, is to initiate, at the earliest possible date, price controls and restrictions on wage payments within the United States; this would at least reduce the momentum of the inflationary factors in our economic structure, especially in connection with the "vicious circle" mentioned previously.

The suggestion just made is apparently not wholly in accord with the view of some of our Government's planners. E's paper states that "strenuous efforts are being made . . . to devise control measures which will obviate the large and cumbersome administrative machinery which such controls entail." As an alternative, reference is made to the recent credit restrictions with respect to installment sales, new housing, and bank lending, and comment is added that "a new tax program is being developed and consideration is being given to a tough wage stabilization policy." The difficulty, as I see it, is that the measures adopted (credit restrictions primarily) will not be very effective in preventing a rise in prices unless and until the other measures under consideration (higher taxes and wage stabilization) are actually in effect, since the Government will probably be expanding the circulating media faster than the credit restrictions diminish them. For this reason I am rather in accord with E's view that "there is a

serious question as to whether general price controls can be avoided. Consumer incomes will rise very substantially, whereas the amount of goods which will be available for civilian consumption will not increase and will remain at approximately the present level until 1953." It is these very civilian goods that Latin America, by and large, will desire to buy in increasing quantities as it has more and more dollars at its disposal. It seems difficult to escape the conclusion that not only are price and wage controls inevitable if the economic structures of the U.S. and Latin America are not to be seriously damaged by the operation of the "vicious circle", but that the longer the delay in putting these controls into effect, the more vicious will the circle become.

The establishment in the U.S. of price and wage controls—I prefer the word "controls" to the "stabilization" used in E's paper, since I believe a modified form of the forced savings principle proposed by Keynes in World War II should be adopted when wage increases are necessary as a result of price rises, and that stabilization should not mean the maintenance of labor's purchasing power at its present level—is, then, one of the things which would help Latin America as well as ourselves. Other helpful steps would include the formulation of definite policies by our Government with regard to such matters as export controls, the allocation of goods, procurement of scarce materials and the expansion of production of such materials in other countries. All of these are mentioned on page 4 of E's paper, but little indication is given of real progress in these important matters, other than references to some of the difficulties involved. Naturally many difficulties arise in connection with the formulation of such policies, but the lack of evident progress to date is discouraging. Even within the Department, a suggested export control policy presented by ARA to E some time ago has apparently not yet been cleared. In other agencies there appears to be similar hesitation; Interior is not sure that the Defense Production Act authorizes it to purchase abroad, and the Munitions Board believes it lacks general authority to make long-term contracts for the procurement of necessary materials. With respect to export controls, it does seem that a departmental policy should be agreed upon without delay; the political importance of this must be obvious. As for Interior's uncertainty, the Attorney-General has been requested to give an opinion in the matter; in the circumstances perhaps it is only fair that we wait a few days more for the decision to be made. But if a decision does not come within a reasonable time, the Department might consider the advisability of attempting to have a decision expedited through discussion of the matter with NSRB. Similarly, NSRB might be consulted as to the possibility of having the Munitions Board initiate long-term con-

tracts, even to the point of agreeing upon legislation to be requested, if this be necessary.

The Executive branch of our Government has been given a great deal of power in the Defense Production Act and other legislation, and it will be subject to criticism if it does not use that power with a promptness appropriate to the situation we now face. Any additional legislation needed can probably be obtained from the Congress without much difficulty. The fact seems to be that all too little real progress is being made, and meanwhile our economic and political foreign policies continue to be uncertain. In the case of our relations with the Latin American countries, from which we expect so much in the way of raw materials at least, this seems most unfortunate.⁴

⁴ According to an unsigned memorandum of the discussion of UM D-116/1 at the Under Secretary's Meeting held October 30, Mr. Miller emphasized his opinion that the longer the United States waited for a policy decision (on the domestic and foreign allocation problem) the worse off the United States would be but agreed that a decision should not then be made if that meant that a low priority would be given to foreign requirements. Mr. Miller also suggested that experience on that problem gained in World War II should be used. Mr. Webb agreed and asked for further study with this consideration in mind. (UM M-262, Lot 53 D 250, Folder "UM minutes—Memos. No. 3, 214-287")

Excerpts from Mr. Miller's address, "Economic Aspects of Inter-American Relations," delivered at Boca Raton on December 6, 1950, are printed in Department of State *Bulletin*, December 25, 1950, p. 1011.

The decision made by the U.S. Government on December 16, 1950, to request of the COAS a Meeting of American Ministers of Foreign Affairs, was stimulated in part by the economic mobilization program announced in President Truman's radio address of the previous day. ("The National Emergency," *ibid.*, p. 999) Documentation pertinent to this Meeting, held in Washington March 26-April 7, 1951, will appear in a forthcoming volume of *Foreign Relations*.

ARGENTINA

POLITICAL AND ECONOMIC RELATIONS OF THE UNITED STATES AND ARGENTINA¹

835.10/2-950

*Memorandum of Conversation, by the Economic and Finance Adviser
of the Bureau of Inter-American Affairs (White)*

CONFIDENTIAL

[WASHINGTON,] February 9, 1950.

Subject: Argentina.

Participants: Edward G. Miller, Assistant Secretary of State.
Mr. Gaston² and other Board Members and Members
of the Staff of the Eximbank.
Mr. White, ARA/E

Mr. Gaston said that the Bank had made a preliminary study of the Argentine situation as requested by the Department of State and that the point had now been reached where additional information was needed from the Argentines. Mr. Gaston added that it was the Bank's view that, if it proved possible to extend any credit to Argentina, such credit should be first granted for the purpose of funding the commercial dollar arrears.

Mr. Sauer³ said that the Bank was thinking about a joint arrangement, possibly a fifty-fifty participation by the New York Commercial Banks and the Eximbank, or a one-third each proposition which would include Argentine participation.

Mr. Sauer then said that the staff of the Bank had held a conversation with officers of the Department of State in which the latter had indicated that the Bank had the "green light" to begin discussions with the Argentine Government; that although reference had been made at a previous board meeting to sending a representative to Buenos Aires, this was not the Bank's intention and such discussions would be held with the Argentine Embassy in Washington for the time being. In view of the fact that there appeared to be some confusion in this matter, Mr. Miller was requested to clarify the situation regarding the steps to be taken.

¹ Continued from *Foreign Relations*, 1949, vol. II, pp. 473-524.

² Herbert E. Gaston, Chairman of the Board of Directors and President, Export-Import Bank.

³ Walter C. Sauer, Vice President, Export-Import Bank.

Mr. Miller, in reply, made the following points:

a) He confirmed that there was no political objection on the part of the Department of State to an Eximbank credit to Argentina, the term "political objection" meaning that the Perón Government was not on any departmental blacklist.

b) Our policy towards Argentina had some of the characteristics of U.S. policy towards Spain. In reply to an observation by Mr. Gaston that the Department's policy of no objection to a loan to Spain was subject to so many conditions regarding economic measures to be taken by that country that there was, in fact, no "green light" for the Bank to go ahead with Spain, Mr. Miller said that, aside from political considerations in the strict sense of the term, there were other aspects of our economic relationships with Argentina which required the consideration of the U.S. Government.

c) As an example, Mr. Miller mentioned that the decision of the Argentine Government to expropriate important U.S. property in Argentina would create such a large additional dollar requirement as to substantially change the picture of Argentina's credit standing.

d) In Mr. Miller's judgment, the economic relationships of the U.S. with a foreign country were indivisible and all factors had to be considered. Furthermore, the Argentine situation was such a special one that it was necessary to consider the leverage which a loan negotiation might have in obtaining a satisfactory solution to other economic problems.

e) Mr. Miller said that in view of the complexity of U.S. economic relationships with Argentina he thought it advisable to consult with Ambassador Griffis⁴ during his forthcoming visit to Argentina before a decision was made to go ahead with direct conversations between the Eximbank and the Argentine Embassy.

Mr. Gaston concurred in the suggested approach and stated his view that the other questions of economic relationships should be discussed with the Argentine Government by the Department of State rather than by the Eximbank.

In summary, the conclusions reached were:

a) That, subject to Ambassador Griffis' concurrence, Mr. Miller, while in Buenos Aires, would suggest to Ambassador Remorino⁵ that the latter get in touch directly with Mr. Gaston.

b) That, the Bank's preliminary talks, to follow *a)* above, would be with the officers of the Argentine Embassy in Washington and that such talks would be limited to the obtention of additional information required by the Bank before it could make a definite decision regarding formal loan negotiations.

c) That before a decision was made to go beyond the informational stage, there would be joint consultation between the Bank and the Department of State, such consultations to include the question of procedures to be followed in both loan discussions and discussions of other aspects of U.S.-Argentine economic relationships.

⁴ Stanton Griffis, U.S. Ambassador to Argentina.

⁵ Dr. Jerónimo Remorino, Argentine Ambassador to the United States.

Buenos Aires Post File 510.1, 1950-52, Lot No. 58 F 10

*Memorandum by the Ambassador in Argentina (Griffis) to the
Assistant Secretary of State for Inter-American Affairs (Miller)*

CONFIDENTIAL

BUENOS AIRES, February 15, 1950.

Subject: Matters to be Discussed with President Perón¹

1. *Rio Pact.*² The Rio Pact was ratified by the Argentine Senate on July 22, 1948, but has never been ratified by the House, which meets in May 1950. I have twice discussed with Foreign Minister Paz my urgent suggestion that President Perón make a public announcement that he personally favors and will favor during the coming session of the Congress the ratification of the Rio Pact. I do not believe that Minister Paz has taken this up with the President.

2. *Argentine Membership in FAO.* When Mr. Dodd, the chairman of FAO, was in Buenos Aires for a few days recently, he stated that he had received great encouragement on all sides in the problem of Argentina joining FAO. I believe that a small push here might bring Argentina into the fold.

3. *Membership WHO.* I believe that the matter of Argentine membership in WHO should also be discussed.

4. *Position of the Frigoríficos.* Since 1947 when the three great American packing companies operating here (Swift International Armour, and Wilson) began to suffer losses on account of Government packing regulations, the Embassy has closely followed their problems. During the past year and a half they have been operating under a confused decree which they understand to mean that the Government will pay their losses and probably a small profit. However, while the Government has until December been sending checks to cover these losses in accordance with *frigorífico* statements, the packers' books have never been audited despite repeated promises directly and indirectly from the President, Remorino and Cereijo.³ In the most recent conference with Cereijo, he made me a firm commitment that this audit would be started, probably within the week of January 11, but certainly prior to your arrival. This commitment has not been fulfilled, nor have any of the other former commitments as to the beginning of the audit been made.

The packers are now presented with a new decree under which they claim it is impossible to work, and they are anxious to have the former decree kept in force at least to the extent of guaranteeing them against

¹ During Mr. Miller's visit to Buenos Aires, February 19-24, 1950. There is no positive evidence that this memorandum was shown to Mr. Miller.

² For text of the Inter-American Treaty of Reciprocal Assistance, see Department of State Treaties and Other International Acts (TIAS) No. 1838, or 62 Stat. (pt. 2) 1681.

³ Ramón A. Cereijo, Minister of the Treasury.

loss, the approval of their accounts by the Government, and the payment of a small profit. In a nutshell, they want us to continue our attempts to determine just exactly where they stand and what is the real intent of the Argentine Government toward them.

5. *American Motion Pictures.* Some slight progress has been made on the problem of the issuance of import permits for American motion pictures. The American companies are standing firm on their refusal to accept a quota, and I am in complete sympathy with their stand. My latest conversations with Cereiyo involve the possibility of a gentlemen's agreement (without a decree or quota) whereby the companies would only ask for and he would assure the issuance of a certain number of import permits for each company with the understanding that a certain percentage of their profits here could be piled up in pesos, but that the balance must be invested in Argentina for a certain length of time. The American companies are now considering this matter.

6. *Petroleum.* The whole question of petroleum supplies to American companies here through the purchase either of sterling or dollar crude has become so involved in the general difficulties arising between the United States and Great Britain that I doubt if useful purpose could now be served with a discussion on this matter with Perón insofar as it relates to supplies of crude oil to the two American companies, Jersey⁴ and Ultramar,⁵ during the present year. However, the general question as to the real intent of the Argentine Government towards these companies is of great import, i.e., whether they are to be permitted to live, and if so, for how long, or whether they will be expropriated on a fair basis or will be starved to death through attrition methods. The question of the wisdom of opening this discussion is left to your good judgment.

Jersey's problem is entirely a problem of obtaining sterling crude, which they are willing to do. On the other hand, Ultramar's problem is that they are equipped only to refine sweet or non-sulfurous oil, and their basic situation may be summed up in the following memorandum which I have received from them:

"On October 19, 1949 Ultramar was called by the President of YPF, Engineer Canessa, who proposed the purchase of the Ultramar Company in dollars.

"After consultations with their stockholders, Ultramar replied to Engineer Canessa on November 3, 1949 stating that in principle they would be agreeable to enter into negotiations on the basis proposed.

"In view of the fact that up until now YPF has made no definite offer and taking into account that our Refinery has shut down and

⁴ Reference is to the Argentine subsidiaries of the Standard Oil Company of New Jersey.

⁵ Ultramar S.A. was a jointly owned subsidiary of the Texas Company and the Socony Vacuum Oil Company.

we are now on the verge of going out of business, it is imperative that we receive some sort of a decision without further delay from the Argentine Government in regard to the proposed purchase."⁶

7. *General Solution of Dollar Problem.* I do not know whether or not you wish to discuss with the President the question of funding Argentina's debt to the United States together with a revolving credit from the Export-Import Bank. Possibly this subject might be touched upon at the dinner for the members of the Economic Council.⁷

8. *Pan American and Panagra.*⁸ Pan American and Panagra have substantial deposits of pesos amounting to, say, 20 million, which they claim should be made available to them in dollars as most of the peso avails accrued as the result of the expenditure of dollars. This is a very difficult problem for them in view of the fact that it composes a substantial part, probably around 50 percent, of Panagra's net working capital. We have presented various notes on this subject, but have never been able to get action. I do not know whether you would wish to discuss this with the President or with the Economic Council.

9. *Communism in South America.* You should be warned that Perón's apparent escape clause from all subjects regarding United States-Argentine relationships in which he does not wish to be involved will be a switch of the conversation from the topic under discussion to the question of Communism in the various South American countries regarding which he is very well informed. It is difficult, if not impossible, to switch him off this subject and return his mind to any economic or other problems.

10. *Publication of Joint United States-Argentine Commission Recommendation.*⁹ A good deal of suspicion and question has arisen on account of the fact that neither Government has to date published a summary of the Joint Commission's recommendations. I do not know how far you wish to go into this matter with the President or the Ministers, but I recently asked Walstrom¹⁰ to discuss with Seré¹¹ and Brignoli¹² the status of the principal points of the report and to clarify the responsibility of implementation charged to each Government. I attach herewith a copy of Mr. Walstrom's report.

S[TANTON] G[RIFFIS]

⁶ The Argentine Government did not purchase Ultramar until 1952.

⁷ The evening of Thursday, February 23.

⁸ Pan American Grace Airways.

⁹ The Department's telegram 783, December 21, 1949, to Buenos Aires, contains a summary of recommendations of the Joint Argentine-United States Committee on Commercial Studies. Text is printed in *Foreign Relations*, 1949, vol. II, p. 517.

¹⁰ Joe D. Walstrom, Counselor of Embassy for Economic Affairs.

¹¹ Julio M. Juncosa Seré, Director General of the Ministry of Economy.

¹² José Julio Brignoli, Director of the Exchange Department of the Central Bank of the Argentine Republic.

110.15-MI/3-150

The Ambassador in Argentina (Griffis) to the Department of State

CONFIDENTIAL

BUENOS AIRES, March 1, 1950.

No. 355

Subject: Visit of the Honorable Edward G. Miller, Jr., Assistant Secretary of State for Inter-American Affairs Surpasses Expectations.

Mr. Miller arrived at Morón Airport in Buenos Aires as scheduled on Sunday, February 19. He was met by officials of the Argentine government, including the Chief of Ceremonial, the two Sub-Secretaries of Foreign Relations and other Argentine officials, and members of the Embassy staff. Thereafter followed a strenuous four-day program. The schedule initially arranged for Mr. Miller was kept, and a number of additions were made as each day passed. His activities are shown in Enclosure No. 1.¹ Mr. Miller found time, in addition to all of his engagements, to confer with officers of the Embassy, to prepare material, and to receive a number of American businessmen especially interested in seeing him.

Telegrams and despatches referred to above² and memoranda of conversations enclosed include detail on subjects treated during Mr. Miller's visit, and the manner in which they were treated. This despatch mentions principal subjects in summary form.

Ratification of the Rio Treaty by Argentina was discussed with President Perón (Enclosure No. 2),³ who on February 21 stated that he felt it unwise to force it through the Chamber of Deputies.⁴ Subsequently in a private conversation with Mr. Miller the President said that he thought it quite possible to arrange ratification of the Rio Treaty during the session of Congress beginning in May and that he would use his efforts to that end (Embtel 177 February 27).¹

¹ Not printed.

² References to other documents in heading of this despatch are omitted.

³ Not printed, but see footnote 4, below.

⁴ Enclosure No. 2 contained an unsigned memorandum of a conference held February 20 between President Perón, Mr. Miller, and other officials of government. It reads in part: "[The President said that] in the Chamber of Deputies about 30 percent of the members are of the opposition party, and they criticize the Treaty. The President of the Chamber had canvassed the Congress for its opinion and found that the Peronist bloc was not entirely in favor of ratification because the opposition was against it and also partly because some of the Peronist bloc was also against it, which he attributed to the thought in many Deputies' minds that in some way the Rio Treaty was connected with former Ambassador Braden. The President pointed out that many of the Deputies were of humble origin; had fought against Braden and John Griffiths and could not remove the latter from their minds. The President said that he did not wish to force ratification of the Rio Treaty, but that undoubtedly it would work itself out in good time." Spruille Braden had been Ambassador from May to September of 1945.

Communism in Argentina was reviewed and discussed at length by President Perón and a number of his advisers on the afternoon of February 20. The President voiced the opinion that military pacts should be entered into to provide for the security of the South American continent and agreement should be reached on measures to be taken by the several countries in combatting Communism. Mr. Miller explained the United States attitude largely in terms of a policy which was one of working for peace and towards the prevention of war, and pointed out that with respect to under-developed countries our policy is to assist in the raising of living standards rather than to combat Communist influences as such. The whole exchange of views was interesting, provided an opportunity for expression and, although inconclusive, furnished President Perón with our thinking (Enclosure No. 2 and Embtel 177 February 27).

Treaty of Friendship, Navigation and Economic Development. At the end of a long discussion with President Perón and members of the Economic Council on Tuesday, February 21, the Argentine Minister of the Treasury voiced the thought that the conclusion of such a treaty would be desirable in furnishing assurance to private investors. All of those present, including President Perón, agreed on the desirability of such a treaty. Mr. Miller said that we would be glad to enter into negotiations and he was prepared to have a qualified technician come to Argentina for such purpose as soon as might be desirable (Enclosure No. 3).⁵

Problems of American business were treated at some length. During a long discussion with the Economic Council and President Perón on February 21 (Enclosure No. 3) the feeling of uncertainty which provides a psychological barrier to American investment was cited as growing out of the difficulties of the Argentine subsidiaries of American and Foreign Power,⁶ of the Frigoríficos and of the Petroleum

⁵ Not printed, but see footnote 7 below.

⁶ According to a memorandum of conversation dated November 18, 1949, by Albert B. Franklin, Second Secretary of the Embassy in Argentina, Mr. William A. Reece of the American and Foreign Power Company had stated that the company had on May 6, 1949, offered to sell all its Argentine subsidiaries to the Argentine Government for \$116.8 million, in accordance with what it supposed to be that Government's desire. On November 10, 1949, an agency of the Government had replied that Argentina wished to purchase only those AFP properties not already expropriated or "intervened" by municipal or provincial governments. (Intervention was a proceeding whereby provincial and local governments substituted Argentine officials for a company's officials but still ran the property for the account of its private owners.) Mr. Reece had stated that more of AFP's Argentine subsidiaries had been intervened than had been expropriated, and, since intervened properties were invariably run at a loss, intervention's result was a process of attrition intended to render AFP willing to quit Argentina without compensation. (Enclosure No. 1 to despatch No. 808 from Buenos Aires, November 22, 1949, 811.503135/11-2249)

Companies.⁷ This was the cause of an animated discussion. It was agreed that these problems involving many details were not proper for discussion with Mr. Miller but should be taken up between the Embassy and members of the Economic Council. Subsequently, a conference was arranged for February 23 at which problems of the above-mentioned companies, as well as those of the airlines, Panagra and Pan American, were discussed (see Embassy Despatch No. 356 of February 28⁸). Final resolution was not reached concerning any of these problems but considerable advances were made and it is the Embassy's hope that within the near future suitable *modus vivendi* will result. It was subsequently learned that President Perón had given instructions to members of his cabinet that solutions be reached on all such problems as promptly as possible.

The cases of Swift International and Braniff Airlines were mentioned to the President by Mr. Miller.

Financial assistance to the Argentine from the United States was not brought up directly by any of the officials, except that Dr. Juncosa Seré and Treasury Minister Cereijo alluded to the desirability of converting certain soft currencies held by Argentina for dollars (Enclosure No. 3). The subject was not pursued when Mr. Miller stated that such conversion involved a number of difficult problems. Ambassador Remorino, at the end of the same conference, and speaking

⁷ The unsigned memorandum of this conversation (Enclosure No. 3) reads in part:

"On the request of Assistant Secretary Miller, the Ambassador outlined the basic problems which he felt, on a psychological basis, were inhibiting the confidence of all American business and, until resolved, would continue to constantly frighten American investment in Argentina. These three problems all resulted from the fears of nationalization and treatment by the government and referred to

- (1) The subsidiary of the American Foreign Power Company;
- (2) The Frigorificos; and
- (3) The Petroleum Companies.

Knowing that Ministers Cereijo and Gomez Morales [Minister of Finance] were prize fight fans he stated that these three operations were groggy and should either be knocked out or the government should call off the fight.

Mr. Miller said he agreed with the Ambassador and that neither the Department nor the Embassy wished to intervene on behalf of any particular company. We are not interested primarily in whether an individual company makes money or not but, rather, we are interested in the whole and the overall problem which has primarily a psychological basis founded on treatment accorded and facilities given to capital as a whole. He mentioned that he had very recently been in Puerto Rico where he found the Governor had undertaken an active program to attract American capital. Each year there are some 16 billion dollars of investment capital available in the United States, which is a very large amount. The Governor of Puerto Rico told him that if he could induce one-half or one percent to come to Puerto Rico he felt that he would be doing well and that Puerto Rico had gone into the matter realizing that it must compete for capital. Mr. Miller pointed out that investors in the United States are a relatively closely-knit group; that they exchange views and check with one another, and that matters affecting particular companies or industries in a country are a matter of general knowledge and preoccupation."

⁸ Not printed.

before the President, brought forth an idea of export credits to avoid cash payment, particularly on machinery and heavy equipment items. This subject likewise was not pursued. It may be significant to mention that subsequently President Perón in a speech again stated that he did not wish any loans, but said that credits were something else again and would be welcome. As far as Argentina is concerned money may well be welcome providing the President can give it a political appellation suitable to his internal situation. It is understood that Mr. Miller spoke privately with Ambassador Remorino and Drs. Juncosa Seré and Brignoli, pointing out that the Export Import Bank desired statistical information in making a study which it was making to appraise the Argentine Republic's capacity for repayment.⁹

Treasury Minister Cereijo was urged by Mr. Miller to visit the United States and at the time of his leave taking with President Perón on Friday, February 24, Mr. Miller pointed out to the President that Dr. Cereijo would make a valuable Chief of Delegation to the IA-ECOSOC meeting in Washington on March 20; that the meeting could, in a sense, be a pretext, but that it would be well worthwhile for Cereijo to go. The President agreed that it was an advisable possibility and that he might also send one or two other members of the Economic Council on such a trip.

Permanent Joint Committee for Economic Studies. As a further result of discussions with President Perón, Dr. Arean, Commercial Director of the Ministry of Foreign Relations, on Monday, February 27, advised the Embassy of the desire of the Argentine government to place the Committee on a permanent basis in Argentina and requested permission to issue a press announcement to that effect. Such permission was readily granted by Ambassador Griffis (Embtel 175 February 27¹⁰).

Freedom of the press was a subject dealt with by Mr. Miller on a personal basis. He had the opportunity to speak to President and Mrs. Perón at a dinner on February 21. It is understood that Mr. Miller raised question as to the policy of the newspapers *Democracia* and *Epoca*. It was an interesting point to raise inasmuch as a member of the Board of Directors of *Democracia*, Alberto Dodero, was present, and Mrs. Perón, who is said to be the virtual owner of *Democracia*. Mr. Miller had pointed out to President Perón on other occasions the difficulty in establishing a full understanding when the

⁹ In telegram 49, February 25, 1950, from Montevideo, Mr. Miller said in part: "At dinner Thursday night at Embassy residence with economic council and Juncosa, Brignoli, and Remorino, I informed Remorino and others for the first time of Export-Import Bank's desire for additional statistical information necessary to evaluate Argentina's capacity for repayment, prior to any further consideration of Argentina's financial problem and I indicated to Remorino that he should take initiative in approaching Export-Import Bank." (811.05135/2-2550)

¹⁰ Not printed.

presses of each country publish news unfavorable to the one or other. He had also pointed out the depth of feeling throughout the United States concerning any restriction on the freedom of the press. It is not known at this point whether the distinction between freedom of the press and an unfavorable press was appreciated. As an interesting sidelight it may be mentioned that an issue of *Democracia* very favorable to Mr. Miller was pointed out to him by Mrs. Perón the day following their conversation.

Press reaction to Mr. Miller's visit was exceedingly favorable. Prior to his arrival the pro-government press, especially *Democracia* and *Epoca* carried a series of articles and editorials to be described partly as defensive breast beating and partly to establish a position which would be a good foundation for attack should the visit not go as well as hoped. The opposition press, in addition to a good deal of factual reporting was, by and large, friendly and favorable. Each day of the visit saw a change in tone ending with practically a paean of praise. This was partly the result of Mr. Miller's activities, of his winning personality, the fact that he spoke Spanish and that he does have the indefinable quality of knowing how to get along with Latin Americans. A principal cause, successive to the above, was a flip-flop by the government press following what are understood to have been orders from on high. On Wednesday afternoon, February 22, it was learned that the Subsecretariat of Information had been given the word which it passed on. Mr. Miller's long conferences with President Perón and his advisers and his more intimate discussions with the President and with Mrs. Perón were responsible for this favorable treatment, both because of his personality and as one who had smoothly but frankly demonstrated the reasonableness of United States policy and action. The reaction of the press, favorable in itself, resulted in generally good comment from the public. A feeling of optimism regarding Argentine-United States relations grew and was especially reflected in American business circles.

For detailed account of press activity see Despatch No. 359 of February 27.¹¹

The value of Mr. Miller's visit was very great. It came at a time when some outside influence could serve to stimulate understanding. Basic economic factors have been highly unfavorable; the shortage of dollars; the shortage of pounds sterling; difficulties with the British over their trade agreement and sales of meat; a prolonged drought in Argentina and a general feeling of pessimism has undoubtedly caused great preoccupation among the leading members of the government. During the past few years there has been no substantial deviation from a general line which sought to make the imperialist

¹¹ Not printed.

United States a whipping boy both for its international policies and to a considerable degree for its domestic policy propaganda. Whether or not President Perón and his chief advisers have been prepared to adopt a different line is not known. Logically, it would appear that this must be so; politically, they could not, without a suitable medium. The visit of the Assistant Secretary of State for Inter-American Affairs provided such a logical medium. Quite apart from these speculative bases, principal credit must go to Mr. Miller himself. The visit of the Assistant Secretary, the highest ranking official to come to this country in the past ten years, a man thoroughly versed in the problems of the hemisphere, one who speaks their own idiom, his pleasant, forceful personality and his quality of winning respect and affection provided the greatest possible aid towards understanding of the United States and to the achievement of our policy.

There is still discernible, however, a somewhat tongue-in-cheek attitude which will permit the Argentine to reverse its friendly feeling some time and blame us for its many ills providing that concrete accomplishments in the way of increased trade, credits or other matters are not forthcoming within a reasonable time. Even should this happen, Mr. Miller's visit can continue to be looked upon as a positive good for there must inevitably remain a residual of remembrance and esteem which will redound to his and, indirectly, to our benefit. Although it is true that the burden of action lies primarily on Argentina, the United States should forego no opportunity of so implementing its policies as to further strengthen the favorable change which has so far occurred.¹²

For the Ambassador:

L. D. MALLORY

Counselor of Embassy

¹² In conclusion to telegram 49 from Montevideo (see footnote 9), Mr. Miller said:

"I am inclined towards optimism as result visit to Argentina and believe if Argentine Government proceeds to put into effect its expressed intention with respect to specific American business problems, we should reciprocate by giving serious consideration to funding of backlog or exporter credits. I have indicated to Cerejo that settlement of situation of American businesses referred to was indispensable to even preliminary consideration of financial problem and that once these situations were adjusted, we would then feel that our task would be greatly facilitated by signature of economic treaty. This seemed entirely agreeable and understandable to him and he and other Economic Ministers also expressed their desire to achieve specific accomplishments which would facilitate closer cooperation between two governments."

735.00/3-150

The Ambassador in Argentina (Griffis) to the President

CONFIDENTIAL

BUENOS AIRES, March 1, 1950.

MY DEAR MR. PRESIDENT: It hardly seems possible for me to realize that it is almost six months since you nominated me for this

post, for the time has passed so rapidly and the complex problems of American business in Argentina have so completely filled my time. I have long intended to write you a brief note on the general situation, but, as you know, hell is paved with good intentions.

I have been witnessing one of the most dramatic and interesting social experiments in the history of the world—"Peronismo"—an effort to create changes in the economy of a country in four short years that should, under even a less ill-adroit government, take at least 20 years; a strange mixture of nationalism, dictatorship and paternalism which may produce a great social result—if the whole laboratory does not blow up.

Here is a dictatorship which does not dictate, for Perón's mind does not accurately function on economic matters, and after taking over the vast enterprises of railroads, merchant marine, public utilities, air transportation and public health, he has turned the operation over to unskilled and ill-trained ministers who seem to spend about half of their time in their operational jobs and the other half jockeying for position among their fellow ministers and against ambitious members of the party. I can readily believe the reports that the nationalized properties are running at a loss of some millions of pesos a day and that very little progress in efficient management is being made. When a government gives jobs for votes, efficiency flies out of the window.

From the point of view of external financial health, it is obvious that the situation is becoming daily worse, for Argentina is in substantially the same jam with England debtwise and sterlingwise as it is with the United States in dollars. However, while we have little to offer Argentina in the way of encouraging imports to us on account of the competition of their agricultural products with ours, the hoof-and-mouth disease embargo, et cetera, England is in a position of desperately requiring Argentine meat while Argentina is absolutely dependent on imports of petroleum of which sterling petroleum is of course easiest to obtain by barter. We are of course rapidly losing this market for our own exports on account of their dollar shortage, and most of the efforts of the Embassy are being devoted to the solution of this problem. It is being complicated now for the future, however, by one of the worst droughts in the history of the nation which has already resulted in substantially a complete loss of the corn crop and which, if it continues, will seriously cut down the exportable surplus of meat.

Here, too, is a country of two Presidents: one the duly elected President, General Perón, and the other his "esposa", Señora de Perón, whose voice, influence and finger are apparently in everything affecting labor and social welfare. So far this two-cylindere machine has functioned smoothly, but it would be an unconscionable situation if these two began to fail to function in harmony.

I am constantly asked by American travelers and others my opinion of the political situation in Argentina. As I see it, there is no political situation here. The Peróns are firmly in control. A free vote tomorrow would, I think, give them a large majority of the votes of the nation. They will continue in firm control of the nation just so long as the price of bread and meat and the elemental necessities of life can be held down to a price which makes them available to the working man within his true income. They are held down at the moment by every conceivable form of direct and indirect subsidy, but unless the productivity of the country can be greatly improved, this cannot last forever, and the spiral of increasing circulation, rising labor costs, and lowered productivity can already be clearly charted.

The press is in general thoroughly anti-American, and the ghosts of Braden, Wall Street and "Yanqui imperialism" rove through the newsprint. There is no freedom anywhere in press, radio or public speech, and in general the principles of civil liberties have disappeared in Argentina. The intensity of nationalism, the inability to convert pesos into dollars, and the practical shutting off of American products into this market has substantially discouraged large and small American companies here.

This is a pretty black picture, but it can and, I think, will be improved. The visit here last week of Assistant Secretary Eddy Miller was a tremendous success. Miller has a great grasp of South American problems, has the Latin touch and a complete fluency in the Spanish language. He created a tremendous impression of good will with the President, the Señora and the Ministers. All of the efforts which we have been making for months were galvanized into action, and constant meetings are being held to try to solve the problems of American companies here and to obtain for them reasonably fair treatment. We are working urgently on the one hand to solve their dollar difficulties and on the other hand to break down the psychological barriers which, unless destroyed, will continue to inhibit Argentine-American business. We have reactivated the Joint Argentine-U.S. Trade Commission and we have started work on the discussion of a treaty along the lines of the recently signed United States-Uruguayan pact.¹ I do not want to go into too many details for you to read in your crowded life, so I can say in summary that the situation vis-à-vis the United States is dark but I do not think hopeless.

I am leaving in three days for Rio de Janeiro to attend the South American ambassadors conference there. Of course this letter indi-

¹Text of the Treaty of Friendship, Commerce, and Economic Development signed at Montevideo November 23, 1949, is printed in the Department of State *Bulletin*, September 25, 1950, p. 502. For additional information regarding this Treaty, which was not ratified by Uruguay, see editorial note of November 23, 1949, in *Foreign Relations*, 1949, vol. II, p. 794.

cates no answer, and I merely wanted to give you a brief travelogue of the Argentine picture as I see it.

With warm personal regards to you and Mrs. Truman,

Sincerely yours,

STANTON GRIFFIS

835.10/3-1650 : Telegram

The Acting Secretary of State to the Embassy in Argentina

CONFIDENTIAL

WASHINGTON, March 17, 1950.

153. For Ambassador from Miller. Tewksbury¹ and I have just had long talk with Cereiyo and Remorino and have discussed with them frankly contents urtel 240.² Cereiyo³ has already told Amer press at conf yesterday that he does not believe in intergovernmental loans, that no such problem is on his agenda. He is willing that you state in answer to press question that Cereiyo's sole purpose in coming to US is to attend Special Session IA ECOSOC and thereafter to tour country for purpose familiarization. You could also state that as incidental to his trip he will discuss econ problems of mutual interest to both countries. If you deem it necessary in order to dispel exaggerated reports, no objection your having question planted.

We have also had frank discussion with them as to possibility ExIm-Bank credits for funding of backlog or credits to Amer exporters of machinery. Cereiyo is obviously most anxious to get moving along this line. Accordingly it was agreed at our conf that Dept wld arrange for Remorino to take Juncosa and Brignoli to Bank for sole purpose of giving Bank additional statistical info which they want before any consideration cld be given to any financing involving Arg. At same time Cereiyo reiterated determination to settle various problems involving Amer business which were discussed during my visit and he specifically stated that he intended while he is here to see petroleum companies and Amer and Foreign Power. He stated that he had full powers to settle their problems. He made no mention of gen Frigorifico problem although he has already seen Taylor re Swift holding company and will see him again on 27th. He also said that questions which I raised re Panagra and Braniff have already been settled.

Cereiyo also said that he wanted to proceed immed with discussions concerning econ treaty and we will set up informal working group next week. All of foregoing is of course to be kept confid insofar as pos

¹ Howard H. Tewksbury, Director of the Office of East Coast Affairs.

² In telegram 240, dated March 16, 1950, Ambassador Griffis had said in part that there were rumors in Buenos Aires that he had threatened to resign unless Argentina were given an immediate loan of \$600 million and had asked permission of Mr. Miller to dispel the rumor, possibly by means of a planted question to himself. (835.10/3-1650)

³ Minister Cereiyo had arrived in Washington on March 15.

and no press statements will be made either about ExImBank discussions or treaty discussions.

We will of course stick strictly to line which you and I followed in BA and I will constantly keep before Remorino and Cereijo the importance of their settling outstanding Amer business problems before we can do anything financially involving Arg. I have also warned Cereijo that ExImBank discussions and also treaty discussions will undoubtedly be prolonged and that he must not expect anything concrete while he is here.

We will keep you informed continuously as to progress our discussions and at appropriate point I will suggest your coming up here. However, any trip on your part wld be so widely publicized at this point that we must know much more clearly than we now do where we are going. Pls bear in mind in this connection that I have just returned to office today and have not had chance of discussing any of this with either Thorp⁴ or Gaston. After I have gotten my feet on the ground I will give you my appraisal of the possibilities.

In any case, from Cereijo's attitude today, the honeymoon is still on. [Miller.]

WEBB

⁴ Willard L. Thorp, Assistant Secretary of State for Economic Affairs.

835.10/3-1750

The Ambassador in Argentina (Griffis) to the Department of State

CONFIDENTIAL

BUENOS AIRES, March 17, 1950.

No. 456

Subject: United States-Argentine Credit Relationships

Herewith are transmitted: (1) copy of Mr. Norden's¹ memorandum of proposals for settlement of Argentine dollar indebtedness and regularization of import financing; (2) and (3) comments by officers of the two largest American bank creditors, i.e., First National Bank of Boston and the National City Bank of New York; (4) memorandum prepared by Mr. Aslag H. Eskesen, representative of the General Electric Company in the Argentine.²

The discussion presented herewith has no reference to any self-liquidating loans for specific public purposes which might be considered by United States lending agencies, but refers only to the current effort to rehabilitate Argentine-United States financial and currency relationships. Stripped of much of the technical and banking

¹ Carl F. Norden, Second Secretary of Embassy.

² None printed.

verbiage, these reports represent the considered opinion of this Embassy that any plan, whether through the Export-Import Bank or otherwise, prepared for the purpose of recreating the flow of trade between Argentina and the United States should recognize the following basic principles:

(1) Under no circumstances should there be a direct government-to-government or government agency-to-government agency loan or credit between the two countries.

(2) The arrearages of dollar indebtedness should be funded as well as should the frozen pesos representing profits and accumulations of various sorts by the American companies in Argentina. This should be in the form of notes of the Argentine Government or its agency banks. It is believed that these notes would find ready market at some level and the risk already incurred by the American companies would continue to be carried by the American companies.

(3) If the Export-Import Bank or any other appropriate government agency can assist in the financial reconstruction of Argentina, a revolving credit should be created, whether by the Export-Import Bank alone or by the Export-Import Bank together with a group of American banking institutions, to make appropriate advances to American manufacturers who desire to sell in Argentina, goods having direct favorable impact on the agricultural or industrial productivity of Argentina. Just what percentage of the risk in such a credit which should be borne by the American manufacturers, must be decided by the lending agency.

It is the opinion of this Embassy that any suggestions by the Department or others looking towards a direct uncontrolled loan to the Argentine Government would be met by a storm of protest by American newspapers and even by American manufacturers and bankers unless a substantial part of this loan were earmarked as a "bailing out" operation. We cannot advocate such a "bail out".

We believe that the American manufacturer and banker himself will know and continue to know more about the dangers inherent in accepting risks in Argentina than the State Department or the lending agency can know, and would under the above plan suggested, wherein they become co-underwriters, use the utmost caution in the risks accepted.

You are fully familiar with the general economic situation which prevails here and the figures which demonstrate production difficulties, a rising population, a fairly complete dollar shortage, a tendency to inflation and a wide variety of peso rates. The economic judgment on the entire matter must, of course, be made by the lending agency. From the point of view, however, of hemispheric solidarity and the effort to tie Argentina to the United States orbit of defense, the Embassy is of the considered opinion that every reasonable and safe effort should be made looking towards a solution of the economic problems.

The Department has full knowledge also, we believe, of this Embassy's strong feeling that any financial measures taken for the benefit of the general economy of the Argentine presupposes acts, not promises, to alleviate at least most of the top priority difficulties confronting certain American interests here, including *frigoríficos*, refiners and distributors of petroleum, airlines, and others.

STANTON GRIFFIS

835.10/3-2450 : Telegram

The Secretary of State to the Embassy in Argentina

CONFIDENTIAL

WASHINGTON, March 24, 1950.

173. For Amb. from Miller. Perón's instrs¹ seem to have produced fast action. At his urgent request Cereijo came in today and delivered to me for transmittal to Panagra and Braniff ltrs² settling their cases. Ltr to Panagra states "my Govt has resolved that trans of funds arising from sale of passages and freights shall be made at rate of exchange in effect on date on which payment is recd." Ltr to Braniff states "my Govt has resolved to authorize your co to carry aerial commercial traffic between Arg and US along fol route: Houston, Habana, Panama, Guayaquil, Lima, La Paz, Asunción and Buenos Aires with auth to omit one or more stops. Authoriz shall be subj to existing laws regs and agreements."

Taylor is in town today for final conferences Swift Int problem. Petroleum cos will meet with Cereijo next week. Informal discussion proceeding re treaty friendship commerce navig. Two meetings at technical level have been held at ExImBank in atmosphere cordiality. Honeymoon still on but unable to answer Secys question to me as to which is bride and which is groom. [Miller.]

ACHESON

¹ In telegram 273, March 23, 1950, from Buenos Aires, Ambassador Griffis had reported learning from an Argentine source that President Perón had sent Sr. Cereijo a personal wire "... insisting American business matters discussed here be implemented immediately." (835.10/3-2350)

² Not printed.

811.05135/3-3050 : Telegram

The Secretary of State to the Embassy in Argentina

CONFIDENTIAL

WASHINGTON, March 30, 1950—4 p. m.

182. For Amb from Miller. Cereijo delivered to me Mar 28 ltr¹ addressed Taylor authorizing liquidation Swift Internatl upon terms

¹ Not printed.

which Taylor says are completely satis.² Cereijo tells me that great progress was made at meeting over weekend with motion picture cos to whom he has offered five year contract permitting entrance Amer films. No further details yet. Also understand that very satis prelim conference was held 28th with Ultramar whose officials expressed considerable satisfaction. Meeting to be held with Jersey officials later this week. Cereijo met with Robertson³ and McKenzie Sat for prelim talk with view to sale of Amer Fon Power for pesos to be reinvested in Arg in accordance with agreement which wld guarantee status of new investment and transfer of earnings thereon. Ltr from Robertson says Cereijo indicated price not important but insisted that part of proceeds shld be invested in Arg on more or less permanent basis. Both were pleased with interview. Forwarding copy Robertson's ltr.

Cereijo met 28th with PanAm and discussed a nr of matters including pooling of traffic, rate fixing, increase in advertising budget and construction of hotel in BA. He is going to NY next week to meet with PanAm directors including Gen Marshall for further discussions. Traffic pooling is of course out of question but Cereijo appears to be primarily interested in construction of hotel and tells me he is willing to give necessary legislative authority. Discussions proceeding ExImBank.⁴ [Miller.]

ACHESON

² In a memorandum of April 19, 1950, to Mr. Miller, Clarence E. Birgfeld of the Office of East Coast Affairs described this action as follows:

"In March 1950 the Argentine Minister of the Treasury authorized Swift International to transfer its holding company from Argentina. Swift International is now working on the organizational and legal procedures involved. This transfer will eliminate the necessity of profits from Swift International enterprises outside the Argentine going through Argentina, with consequent blocking there, and will thus permit payment of current and past dividends to stock holders." (611.35/4-2750)

³ William S. Robertson, President of the American and Foreign Power Company and Chairman of its Argentine subsidiaries.

⁴ In telegram 300 from Buenos Aires, March 31, 1950, marked for personal delivery to Mr. Miller, Ambassador Griffis said in part: "Almost unbelievable your overflowing bucket good news Deptel 182 March 30. You will make an unwillingly great Ambassador out of me yet. However, plans should now be made for prompt air evacuation personnel this Embassy to Falkland Islands or elsewhere in case Export-Import does not perform." (811.05135/3-3150)

435.4131/4-550 : Telegram

The Ambassador in Argentina (Griffis) to the Secretary of State

CONFIDENTIAL

BUENOS AIRES, April 5, 1950—noon.

317. For Miller from Ambassador. England and Argentina deadlocked on price meat new trade agreement.¹ Situation extremely awk-

¹ Reference is to the annual pricing negotiations held under the terms of the United Kingdom-Argentine Trade and Payments Agreement signed June 27, 1949. The Agreement provided for completion of these negotiations by April 1, 1950. Text is printed in United Nations Treaty Series, vol. 83, p. 217.

ward account reference British Food Minister Webb to "blackmail". Face saving needed on both sides.

How would Department feel about my acting arbitrator joint Argentine British committee to set meat price within certain agreed price limits. Please do not discuss Argentines there.²

Easter wishes.

GRIFFIS

² In telegram 207, April 6, 1950, Mr. Miller replied in part: "Present discussions with Argentines progressing in manner which makes any participation your part Arg-Brit discussions inadvisable." (435.4131/4-550)

835.10/4-2050

Memorandum by the Economic and Finance Adviser of the Bureau of Inter-American Affairs (White)

CONFIDENTIAL

[WASHINGTON,] April 20, 1950.

Subject: Proposed Line to be Taken by ARA in Discussions with Argentine Mission and with American Foreign Power and American Petroleum Companies.

1. Argentine Mission should be told the following:

a. Department analysis Argentine financial data and projection balance of payments indicates that solution will be difficult because of magnitude projected dollar deficit 1950-52.

b. Proposed solutions American Foreign Power and importation dollar oil would appear to place strain on dollar position additional to that indicated original balance of payments project.

c. Eximbank analysis and discussions still in progress.

d. Question of additional dollar commitments obviously closely related to repayment prospects on Eximbank credits and also closely related to magnitude of Eximbank credits.

e. It is believed therefore Argentine Mission may want to defer definite commitment new dollar obligations until course of Eximbank credit discussions can be firmed up.

2. American Foreign Power should be informed as follows:

a. Analysis Argentine financial data, available for first time, indicates that basic dollar situation over period of next several years will be a difficult one.

b. It is believed that any substantial dollar commitments over and above those previously projected by the Argentine Government might so seriously impair repayment prospects as to jeopardize Eximbank credits.

c. Failure of Eximbank negotiations would, in the Department's judgment, result in complete collapse U.S. business position in Argentina.

d. Conclusion reached from foregoing is that any settlement American Foreign Power's problem involving substantial dollar outlay in

next several years is impossible. Department is however prepared to give full diplomatic support approach upon the following lines:

- (1) Agreed plan for the liquidation of arrears on earnings.
- (2) Agreement under which American Foreign Power would either retain present operations with rate schedule permitting reasonable return or reinvestment program with adequate safeguards.
- (3) Prompt transfer of earnings under (2) above.

3. Any program involving large and continued expenditure of dollars for the importation into Argentina of petroleum is impossible for reasons outlined above. Department is prepared to give full diplomatic support however to any plan which will meet American petroleum companies legitimate interests without requiring large dollar outlay. Such a plan might include:

- a. Short-term arrangement, say six months, for importation of dollar crude needed to resume normal refining and market activities.
- b. Negotiation of a tri-partite agreement among British, Argentine and American oil companies under which basic requirements of crude for American companies would be obtained for payment in sterling.
- c. Long-time marketing agreement under which American companies would receive equitable share of import and marketing participation.
- d. Agreed plan between oil companies and Argentine Government for liquidation of arrears in earnings and of future earnings in Argentina.

835.311/4-2450 : Telegram

The Chargé in Argentina (Mallory) to the Secretary of State

RESTRICTED

BUENOS AIRES, April 24, 1950—4 p. m.

373. For Ambassador Griffis. American packers last night met Ares¹ who in principle accepted formula packer's memo April 12² involving acceptance average industry loss as financial basis thus establishing in principle the costs profits livestock prices allowable in audit. Argentine officials desire approximation total funds involved before submitting formula for approval economic council. Packers have agreed submit statement and hopeful will result prompt fixation audit formula.³ Desired formula will permit determination packers position promptly before termination audit. Otherwise all quiet.

MALLORY

¹ Roberto A. Ares, Minister of Economy.

² Not found in Department of State files.

³ In telegram 204, September 14, 1950, from Buenos Aires, Ambassador Griffis reported: "Good news, packers have today agreed with Argentine Government on satisfactory audit formula meeting all deficits from October, 1946 to August 31, 1950, plus profit of 5.75 percent of live price of export beef." (835.062/9-1450)

835.2553/4-2650: Telegram

The Secretary of State to the Embassy in Argentina

CONFIDENTIAL

WASHINGTON, April 26, 1950—7 p. m.

241. FYI SONJ¹ and Cereiyo reached agreement Apr 25² providing supply 20,000 barrels crude daily for 6 months and 10,000 to 20,000 barrels for 6 months at discretion SONJ. Agreement previously reached Ultramar providing 5,500 barrels daily for 1 year. Each agreement payable³ in dols over 2-year period. Provision made for early negot long-term agreement. Amer Fon Power offered sell basis one-fourth cash one-half over 10 year period one-fourth reinvested. Cereiyo countered with one-half reinvested and conversations will continue BAires about May 15. Moving picture cos attempting reach agreement based on various *quid pro quos* including local investment one-half earnings but no agreement yet.

ACHESON

¹ Standard Oil of New Jersey.² Not printed.³ By the Argentine Government: the oil was to be imported into Argentina under dollar credits granted by the oil companies themselves.

103-XMB/4-2850

Memorandum of Conversation, by Mr. Jack C. Corbett of the Office of Financial and Development Policy

SECRET

[WASHINGTON,] April 28, 1950.

Subject: Possible Credit to Argentina.

Participants: For the Export-Import Bank: Mr. Herbert Gaston
 Mr. Clarence Gauss
 Mr. Lynn Stambaugh¹
 Mr. Walter Sauer
 Members of the Staff

For the Department: Ambassador Griffis²
 Assistant Secretary Miller
 Mr. Ivan White—ARA
 Mr. Jack C. Corbett—OFD

After a few preliminary remarks, Mr. Gaston called on Mr. Rifat Tirana of the Bank's staff to outline the proposal which the Bank had prepared with respect to the Argentine credit. This plan involved a credit by the Export-Import Bank to Argentina of \$65 million to

¹ Messrs. Gauss and Stambaugh were both members of the Board of Directors, Export-Import Bank.² Ambassador Griffis had arrived in Washington, April 27.

be devoted to clearing up about two-thirds of the commercial arrearages. The plan also envisaged Argentina's simultaneous action on other types of arrearages. (Copy of the proposal is attached.³)

Ambassador Griffis and Assistant Secretary Miller expressed some disappointment with the size and purpose of the credit. They indicated to Mr. Gaston that they felt that it was important to make some provision for future shipment of agricultural equipment. They felt that it would be most unsatisfactory politically only to take care of the commercial arrearages. Ambassador Griffis outlined the factors which lead to the present Argentine tightness of dollars and pointed out the credit record of Argentina. Mr. Gaston questioned the advisability of expanding Argentine agricultural production in as much as most of this production would probably go to European countries and would have little to do with improving Argentina's dollar position. Ambassador Griffis responded that Argentina had relied upon future convertibility of sterling, basing this reliance, in part at least, upon the policies and statements of the U.S. Government in this respect. Mr. Gaston summarized his views as to the reasons for present Argentine difficulties by stating that its economic policies had been extravagant and short-sighted. Further statements were made by the State Department representatives as to the extreme political necessity of favorable Export-Import Bank action on both arrearages and agricultural equipment credits in view of the many specific actions which Argentina has taken in recent months to eliminate troublesome points in their relations with the U.S. Government and with the U.S. business community. Mr. Gaston felt that from a banking point of view, the important thinking to be done was to regularize the liquidation of these arrearages and reestablish Argentine credit in the U.S. He felt this had priority over providing credit for further shipments of goods. Mr. Gaston, however, finally admitted that political situations had to be taken into account and that the Bank would have another look at the matter.

Mr. Miller made the point that time was of the essence as Dr. Cereijo would leave for Argentina on May 6. Therefore, if some exchange of letters between Mr. Gaston and Dr. Cereijo could be arranged it would be very helpful. Mr. Gaston said many problems presented themselves but he would look into the matter when further steps were taken on the nature of the credit itself. Mr. Miller suggested that a letter from Judge Kee⁴ to the Department and a reply thereto on the subject of our relations with Argentina might be helpful in

³ Not printed.

⁴ John Kee, Representative from West Virginia, Chairman of the House Committee on Foreign Affairs, and member of the Joint Committee on Foreign Economic Cooperation.

the public presentation of this matter. Mr. Gaston proceeded to make a number of sharp comments on the effect of such letters on Export-Import Bank operations.

611.35/5-150

*Memorandum by the Secretary of State to the President*¹

CONFIDENTIAL

[WASHINGTON,] May 1, 1950.

Subject: Effect in Brazil of Argentine Developments and Significance to Brazilian-American Relations of Possible Election of Vargas to Presidency

In summary, an improvement of relations between the United States and Argentina would probably be approved by most responsible Brazilian Government authorities. There would be an undercurrent of resentment on the part of some authorities, including the Foreign Minister, and strong criticism from an important segment of the press. Vargas² election as President of Brazil should not lead to a serious deterioration of relations between the United States and Brazil.

I. Estimate of Effect in Brazil of Improvement of Relations Between the United States and Argentina

Possible effects in Brazil have been weighed in considering improvement of our relations with Argentina. We have made clear to the Brazilians that we are prepared to assist them financially in ap-

¹ In a memorandum to the Secretary of April 6, 1950, Mr. Miller had stated in part: "It would be well for you to talk to President Truman before he sees [President Gabriel] Gonzalez Videla [of Chile] and review with President Truman what we are embarking upon with respect to Argentina. I suspect that President Truman may have some personal doubts on the subject on strictly ideological grounds. You might stress the fact that as a result of our new cooperative attitude in the economic field, I have been in a position to discuss with Peron and Cereijo the question of civil liberties in general and that in particular I have gotten from Cereijo a personal commitment that newsprint will continue to be granted to *La Nacion* and *La Prensa* as long as he is in office." (725.11/4-650)

President Gonzalez Videla was in the United States from April 12 to May 3. No record of discussion between Mr. Acheson and President Truman along the lines outlined above has been found in Department of State files.

In a memorandum of April 24, the Secretary stated that he had that day gone over Argentine developments with the President, "... who was greatly pleased at the progress we were making. He was most complimentary to Mr. Miller on these achievements. The President asked me what, in my judgment, would be the effect upon Brazil over the relations which we were achieving with Argentina, and also what would be the significance of Brazilian-American relations if former President Vargas were reelected." (611.35/4-2450) The Secretary's memorandum in response was prepared by DuWayne G. Clark, Officer in Charge of Brazilian Affairs, and Randolph A. Kidder of the Office of East Coast Affairs.

² Getúlio Dornelles Vargas, former president of Brazil and candidate in the 1950 elections.

propriate ways. Brazil has been unable to plan projects for assistance, and will be unsettled generally until after the October elections.

Brazil and Argentina historically have vied with one another for the leadership in South America. Due to its active participation in the war, Brazil is convinced that it is entitled to special consideration. Hence any action which we may take to improve relations with Argentina will be criticized.

Responsible Brazilians and at least a part of the press will understand and approve action looking toward closer economic relations between the United States and Argentina, as it would benefit closer hemispheric political relationships and in the long run would improve general economic conditions. A large segment of the press, however, bitterly attacks anything that encourages the Perón regime.

Extension of financial aid to Argentina might develop into a domestic political issue in Brazil, especially if Vargas becomes a presidential candidate. Vargas might criticize Dutra³ as unsuccessful in obtaining aid from the United States whereas Argentina has been successful. The confused Brazilian political situation, in which domestic issues are few, is an open invitation to the exploitation of the theme of rivalry between the two countries.

We have diplomatic and public relations methods available to offset in some part criticism within Brazil.

[Here follows the portion of this memorandum printed on page 759.]

It may be of interest to you to know that Mr. Miller accompanied the President of Chile to New York and had a three-hour conversation with him⁴ in which Mr. Miller related to President Gonzalez Videla in detail the status and prospects of our negotiations with Argentina. The Chilean President said that, while relations between Chile and Argentina had been strained from time to time the last few years, he thoroughly approved of our plans with reference to Argentina on the ground that anything that eased tension between the United States and Argentina could only result in benefit to Chile in the long run. He said that he would be willing to state this publicly in any press conference if requested.

DEAN ACHESON

³ Eurico Gaspar Dutra, President of Brazil.

⁴ On April 15, 1950.

approximate this figure. Bank informally suggested Cereijo May 2 credit operation 123 million involving 80 million dols Bank credit for partial liquidation commercial arrears and financing small exports agri implements, and 43 million dol Central Bank note issue rediscountable ExImBank to apply on further liquidation commercial arrears. FYI Cereijo reacted vehemently, objecting to small amount, which does not cover full commercial arrears, to Central Bank note issue provisions, to proposed discrimination between governmental and nongovernmental commercial arrears (former shown separately and not included in figure 108 million commercial arrears), and to failure provide for continuing three-year program. Cereijo stated proposal unacceptable because offered no solution Arg problem. Outlook uncertain but Dept exploring further possible solution energetically with Bank and Argentines.¹

ACHESON

¹ An undated memorandum prepared in the Department of State stated in part, in apparent reference to Minister Cereijo's talk with Export-Import Bank officials on May 2: "At the conclusion of their visit on Tuesday, Mr. Cereijo and his associates presented a memorandum suggesting total commitments for credits to Argentina by the Export-Import Bank in the amount of some \$450,000,000. This is entirely unacceptable and I doubt that it was seriously proposed." (835.10/5-550)

835.10/5-350

Memorandum of Conversation, by Mr. Jack C. Corbett of the Office of Financial and Development Policy

SECRET

[WASHINGTON,] May 3, 1950.

Subject: Credit to Argentina.

Participants: Mr. Brignoli, Argentine Delegation
Ambassador Griffis
ARA—Mr. Ivan White
EC—Mr. Howard Tewksbury
EC—Mr. Clarence Birgfeld
OFD—Mr. Jack C. Corbett

1. A meeting was held with Mr. Brignoli in Mr. Tewksbury's office to acquaint the former with the elements of the Eximbank proposal of Friday, April 28. This proposal embodied the \$65 million (the first Eximbank proposal) plus \$15 million for agricultural equipment and \$43 million for the purchase by the Bank of notes issued by Argentina in connection with the arrearages. If holders of the notes did not avail themselves of these facilities within six months, any amounts remaining could be used by the Argentines for further agricultural equipment imports.

2. Mr. Brignoli expressed no views as to the adequacy of the proposed credit but limited himself to asking questions concerning technical details of the proposal.

3. Ambassador Griffis pointed out to Mr. Brignoli that this was merely a briefing session, that the proposal would be presented to the Argentines formally by the Eximbank the same afternoon or the following day. Ambassador Griffis stated that he was making no recommendations to the Argentines on the matter but felt it was a matter of negotiation between them and the Bank. However, if the Argentines were successful in getting the Bank to expand the credit or to alter its purposes, the Department would not object.¹

¹ In telegram 263 to Buenos Aires, May 5, 1950, the Department reported in part: "Subj to approval by NAC, ExImBank and Cereijo have today agreed to credit of \$125 million for payment past due commercial dol obligations. Total outstanding commercial arrears both of private and governmental character to be liquidated by this credit with such additional Arg funds as may be necessary. Advances by ExImBank will be evidenced by promissory notes of consortium of private Arg banks bearing unconditional guarantee Central Bank. Notes to bear three and one-half percent interest and amortization payments on semi-annual basis over ten year period commencing June 1954. Arg Govt further to agree within its financial limitations to seek mutually satis settlement arrears financial acct." (835.10/5-550)

835.10/5-1550 : Telegram

The Acting Secretary of State to the Embassy in Argentina

CONFIDENTIAL

WASHINGTON, May 15, 1950—6 p. m.

287. Cereijo and consortium private banks reached tentative agreement 75 million dol credit to be obligated within two years and carrying interest 3½ percent on obligated amounts, ½ percent unobligated amounts. Both bankers and Arg Govt will study several possible amortization plans which depend partly amount gold guarantee which agreed will be either 65 or 75 million.¹

Amer Fon Power continues press for favorable settlement its claims as *quid pro quo* ExImBank credit but such *quid pro quo* will not be established. However Dept has assured all concerned that it will support strongly a settlement this problem. Eduardo Salazar will conduct negots with Argentines behalf Amer Fon Power which now sched for June 5.

Cereijo signed May 12 five-year agreement with Amer Motion Picture Assoc. Agreement provides unlimited film entry, withdrawal 1.1 million dols annually to apply first against backlog, annual investment equal amount Arg, and probably includes commitment by Amer film

¹ A brief discussion of this negotiation appears in Stanton Griffis, *Lying in State* (Garden City, N.Y., Doubleday, 1952), p. 258.

cos on world-wide distribution Arg news shorts and documentaries.²

Working parties drafting preliminary English-Spanish text supplementary FCED treaty for transmission Emb this week if possible. Juncosa Seré states he will direct clearance with Arg Govt depts and anticipates little substantive objection. Will determine place signature later.

Air route negots³ and exchange notes reciprocal exemption transport cos bogged down last two weeks, apparently because Argentines preferred not link any further actions to credit negots. Arg Emb queried FonOff two weeks ago re alternatives mentioned Deptel 239, Apr 25⁴ but no reply. Arg Amb prior leaving to accompany Cereijo BAires informed Arg Emb staff exchange notes reciprocal exemption wld await his return.⁵

Cereijo indicated someone wld return Wash within several weeks to complete ExImBank arrangements. If you shld have opportunity to learn anything about this or Arg plans re subjects preceding para keep Dept informed.

WEBB

² An agreement providing for importation of American motion pictures into Argentina for 5 years was signed on May 12, 1950, in New York City by Sr. Cereijo and Eric Johnston, President of the Motion Picture Association of America. A copy of the agreement was sent in despatch No. 897, June 1, 1950 (not printed), from Buenos Aires. (835.452/6-150) File 835.42 for 1950 and 1951 contains information on difficulties that prevented implementation of this agreement up to the time an Argentine Government decree of June 29, 1951, permitted actual importation of films.

³ Reference is to talks between the two governments held for the purpose of signing a route annex to the Argentine-United States Bilateral Air Transport Agreement signed in Buenos Aires May 1, 1947. In a letter of February 12, 1951, to Delos Rentzel, Chairman of the Civil Aeronautics Board, Walter A. Radius, Director of the Office of Transport and Communications Policy, stated that negotiations were broken off in October 1950, "... due to the inability of the two Governments to reach an agreement on the actual description of the routes to be operated." (611.3594/11-2950) File 611.3594 for 1950 includes material outlining fully the viewpoints of the two governments in the matter.

⁴ Not printed.

⁵ For text of the exchange of notes between Secretary Acheson and Ambassador Remorino in Washington, July 20, 1950, embodying the agreement for relief from double taxation on earnings derived from operation of ships and aircraft, see TIAS No. 2088 or *United States Treaties and Other International Agreements* (UST), vol. 1, p. 473. Text is included also in the Department's press release of July 20, which is printed in the Department of State *Bulletin*, August 7, 1950, p. 216.

NAC Files, Lot 60 D 137¹

*Minutes of the 156th Meeting of the National Advisory Council on
International Monetary and Financial Problems*

CONFIDENTIAL

[WASHINGTON,] May 16, 1950.

[Present:]

Secretary John W. Snyder (Chairman), Treasury Department

¹ Master file of the documents of the National Advisory Committee on International Monetary and Financial Problems for the years 1945-1958, as maintained by the Bureau of Economic Affairs or antecedent offices.

Mr. Harry A. McDonald, Securities and Exchange Commission,
Visitor
Mr. Willard L. Thorp, State Department
Mr. Jack Corbett, State Department
Mr. J. J. Stenger, State Department
Secretary Charles Sawyer, Commerce Department
Mr. Clarence I. Blau, Commerce Department
Mr. M. S. Szymczak, Board of Governors, Federal Reserve System
Mr. Lewis Dembitz, Board of Governors, Federal Reserve System
Mr. Arthur Marget, Board of Governors, Federal Reserve System
Mr. Herbert E. Gaston, Export-Import Bank
Mr. Hawthorne Arey, Export-Import Bank
Mr. Walter Sauer, Export-Import Bank
Mr. Rifat Tirana, Export-Import Bank
Mr. William B. Gates, Export-Import Bank
Mr. Harland Cleveland, Economic Cooperation Administration
Mr. Felix I. Shaffner, Economic Cooperation Administration
Mr. Frank A. Southard, Jr., International Monetary Fund
Mr. John S. Hooker, International Bank
Mr. Walter C. Louchheim, Jr., Securities and Exchange Commission
Mr. William McC. Martin, Jr., Treasury Department
Mr. Thomas J. Lynch, Treasury Department
Mr. James J. Saxon, Treasury Department
Mr. William W. Parsons, Treasury Department
Mr. Elting Arnold, Treasury Department
Mr. Charles R. McNeill, Treasury Department
Mr. Henry J. Bitterman, Treasury Department
Mr. George H. Willis (Acting Secretary)
Mr. Allan J. Fisher (NAC Secretariat)

[Here follows a table of contents.]

1. REQUESTED EXPORT-IMPORT BANK LOAN TO ARGENTINA

A. Statement of the Problem

[Here follows a description of the terms of the proposed loan.]

The Staff Committee had studied the proposal and reviewed the general Argentine position. It appeared that at present there were about \$108 million of commercial arrears on private account, that commercial arrearages on government account amounted to approximately \$30 million and sundry items approximated \$40 million. In addition to these commercial obligations, it was estimated that outstanding financial arrearages accumulated during an earlier period amounted to about \$67 million at the present exchange rate. The total obligations to the United States were thus estimated at about \$245 million, exclusive of any new obligations that might be incurred by Argentina and exclusive of any settlement which might be made with the American and Foreign Power Company. It was understood that Argentina was hopeful of receiving new credits to the extent of \$75 million from New York banks against gold collateral, and that new commercial credits were being requested. It was from these new credits that Argen-

tina hoped to obtain the greatest immediate benefit from this loan, since the proceeds of the loan itself would accrue to American exporters who were already holding claims on Argentina. Through these new credits Argentina hoped to be able to acquire items like farm equipment, to improve its domestic economy and increase production.

[Here follows a summary of the NAC Staff Committee's analysis of Argentina's financial condition.]

B. Discussion

Background of the Loan Application.—Mr. Gaston said that the Secretary of the Council had made an accurate statement of the conditions surrounding the proposal. He added that the proposal had resulted from conversations of the Export-Import Bank with financial experts from Argentina with respect to the Argentine situation, and mutual agreement on what would probably be the most useful line of action to help reinstitute normal commercial and financial relations between the two countries. As a result of the discussions, the Bank had outlined what it would be willing to consider and the result was the proposition the Council had before it. The matter had been discussed with Mr. Cereijo, the Minister of the Treasury, who wished to get it liberalized in various ways. The Bank had not seen that it could go further than it had gone and at length Mr. Cereijo agreed that he would like very much to have this proposal explored and acted upon. At the time of the last discussion, Mr. Cereijo had asked whether the Bank would impose any impediment to Argentina's obtaining additional credits in the United States. Mr. Gaston had told him that the Bank had no desire to put any impediments in the way but that it desired to be informed of anything Argentina should do in the way of obtaining additional credits. Indirectly the Bank had received information as to negotiations with respect to three different propositions, all involving the pledge of gold; two would be for \$75 million and the third would involve \$65 million. It was understood the proposal was to use about \$25 million of the proceeds of these loans to complete the liquidation of the strictly commercial part of the arrearages (those on government account) and that Argentina was hopeful there would be \$40 to \$50 million additional for the purchase of machinery.

Mr. Gaston continued that he agreed with the view of the Staff Committee that the faithful performance of Argentina's obligations would involve adhering to a very prudent and thrifty program. He added that within the last year the Argentines had been carrying on a program by which they had been saving \$21½ million a month, or \$30 million a year, and applying it to the commercial arrearages. The arrearages had been reduced month by month. They would have to continue to be just as strict in their controls as they had been over the last year to be able to meet the liabilities they would be incurring

under the loan. The Bank believed it was possible for them to do it. Although the Bank's estimates had not been quite as high as those of the Staff Committee with respect to Argentina's dollar earnings, the Bank thought the Argentines could service the Bank loan as well as any obligations they might incur in New York and have a small margin for additional payments. The present proposal seemed to be the minimum necessary to put Argentina on a relatively sound trading basis and to accomplish the other objectives of trying to regularize our relations with the Argentine Government. It was on this basis that the Bank had gone along on what it thought was the maximum loan the Bank could afford. With respect to attaching conditions concerning the treatment of American and Foreign Power Company, Mr. Gaston commented that the Export-Import Bank had not been in the habit of attaching that kind of conditions to loans. The Bank had been leaving negotiations of this nature, involving a private American company, entirely to the State Department. The Bank would prefer to refrain from action until the ground was clear rather than attach conditions to the action.

Political Background.—Mr. Thorp said that most of his comments on the political background had been incorporated by the Staff Committee in its study.² For a considerable time, including the war period, the relations of the United States with Argentina had not been entirely happy. In the postwar period there had been very limited political and economic cooperation from Argentina. In the economic field, the treatment of American businessmen and the degree to which Argentina had not participated in general programs, such as for allocating wheat, had been very disappointing. About a year ago there began to be evidence of a shifting point of view. This was happening as their economic situation was worsening, but it was hard to determine clearly what forces brought it about. The group of people responsible for economic policies in the previous period had been replaced by a new group, and there had been a steady improvement in Argentina's economic performance. Within the last few months, it had been extraordinary. The Argentines had taken care of a whole series of questions involving particular American businesses which were troublesome and on which the United States had been unable to get any action. There had been a number of specific actions which indicated a changed point of view on their part. A few weeks ago negotiations were started on a commercial treaty. In the normal course, this would be expected to take many months. The current negotiation, however, had moved very rapidly and it was anticipated that it would be a matter of weeks, rather than months, when agreement would be

² National Advisory Council Staff Document No. 420, May 12, 1950, not printed. (Lot 60 D 137)

reached on a commercial treaty that would put into relatively permanent form this new attitude they have been displaying toward American investment and businessmen in Argentina.³

Mr. Thorp added that there had also been a real change in the political picture. President Perón had indicated to Assistant Secretary Miller that he expected the Rio Treaty to be ratified this year. This would be very important in terms of hemispheric defense. The Argentines had also indicated that they intended to join various international organizations, starting with the Food and Agricultural Organization. The schedule included eventually joining the International Bank and the International Monetary Fund. Mr. Thorp said he would not want to say that the Argentine picture was entirely a satisfactory one. There were a number of fronts on which the Argentines were still behaving outrageously, such as in their treatment of the press. Nevertheless, the judgment of the State Department was that the shift of attitude was something the United States should do everything it could to encourage and solidify. From the point of view of new working arrangements between the United States and Argentina, the State Department felt the proposed loan was a very important element and for that reason supported it not merely on economic grounds but also on political grounds.⁴

Inflation.—Mr. Szymczak pointed out that solution of the problem of inflation was vital to the economy of Argentina. The money supply was constantly increasing as well as credit and prices and the budget was unbalanced. This raised the question of whether Argentina should not take action as soon as possible to curb the expansion of credit and the money supply in order to be able to meet commercial as well as financial obligations. He proposed that something on this subject might be added as a final paragraph to the action.

Mr. Gaston said that the Export-Import Bank had considered the proposed loan on the basis of quite favorable indications that the

³ A document entitled "State Department Views on the Political and Economic Objectives of the Proposed Loan" (Appendix II to the document cited in footnote 2) stated economic objectives as follows:

"The economic objective of a credit to Argentina is to assist that country in the restoration of its agricultural production for export to Western Europe and neighboring Latin American countries. These countries can pay for vital food imports by the shipment of their own products to Argentina, thus decreasing their dependence on the United States and reducing the "dollar gap". As examples, the United Kingdom normally obtains one-third of its import meat requirements and 58 percent of its coarse grains from Argentina. Brazil looks to Argentina to meet all of its wheat deficit requirements.

The proposed refunding operations, coupled with bank and commercial credit, will permit Argentina to increase substantially its imports of farm machinery, other products required by agriculture, and transport and other equipment closely related to food production and distribution."

⁴ An additional consideration was briefly stated in the document cited in footnote 2: "It is important to bear in mind that a collapse of the Perón Government would almost certainly result in its replacement by a regime considerably less friendly to the United States."

Argentines were beginning now to pay attention to the views of people who have economic and financial competence. He pointed out that this group realized the economic errors that have been committed in Argentina and they had to a striking extent slowed down the program of overly-accelerated industrialization which had constituted the major factor. He added that there were other matters that would require attention. The main hopeful feature was an indication of a willingness now to consult people who have some knowledge and competence in this field.

Treatment of American Investments.—Mr. McDonald reaffirmed the views of the Securities and Exchange Commission expressed in NAC Document No. 994. He said that the Commission was thinking in terms of the equity holders of the largest American enterprise in South America. The American and Foreign Power Company was facing a very difficult situation in financing its operations and in planning for future expansion. He thought this was a psychological time for some promise to be exacted as to what the Argentines might do to restore the expropriated properties and better the operating position. The Commission would like to see the suggested conditions imposed if this could be done without being out of order.

Mr. Thorp said that the State Department had taken the matter up with the Argentines and they had said they would undertake to negotiate with the American and Foreign Power Company, and they had invited representatives of the company to come to Argentina and work on settling the problem. He was not sure that the United States should use its lending authority in the way proposed. Beyond that, it would be difficult to establish conditions that would leave the way open for negotiations. He thought the two choices were either to fix an amount or to make sure there was a serious negotiation on settlement. He pointed out that there already was a commitment that the Argentines would undertake a serious negotiation and that it was understood it would start soon.

The Chairman inquired whether this would meet SEC's point. Mr. McDonald said it would go quite a ways toward meeting it, but that much would depend on performance. He added that the question was not only one of repayment but also of setting up conditions under which the company could operate at a profit. He referred to the lack of cooperation that existed as to the working conditions under which the company was to operate. He thought this should be made a factor in the consideration of the problem. Mr. Thorp said that this was a matter that was focused on in commercial treaties. If the treaty with Argentina was concluded along the lines presently contemplated, conditions would be set up to prevent the discriminatory treatment which had been so prevalent in the past.

Mr. Szymczak inquired what the attitude was with respect to meeting obligations relating to American investments in Argentina. He understood there would be no payment before 1952. Mr. Thorp said that it would probably be a number of years before Argentina would start paying off arrearages. Mr. Szymczak pointed out that the United States was trying to stimulate investment abroad, and wondered how the proposed action would affect investors once it became known that American exporters were being paid but that arrearages on American investments were not being met.

Mr. Gaston observed that much had been done on this problem in the way of preliminary negotiations and the fact that current trade accounts had been regularized would be a very definite service to American investors abroad. Mr. Thorp added that the biggest change in the attitude of Argentina in recent months had been an improvement in the treatment of investments.

Mr. Gaston pointed out that there was no guaranty of good behavior in the various negotiations and that it could only be hoped that expectations would be fulfilled.

Precedents.—Mr. Szymczak inquired whether, if the proposed loan was approved, it would be setting a precedent for South America. He understood that the Export-Import Bank had made loans of a similar character to Canada and Chile. He understood, however, that there had already been some reaction in Brazil with respect to the proposed loan to Argentina.

Mr. Gaston said that the Export-Import Bank had engaged in somewhat similar transactions. A balance of payments loan had been made to Canada which was quickly repaid. This loan was for current needs. A similar loan had been made to Chile, to the extent of \$20 million, because the decline in the price of copper had created difficulty for Chile due to the existence of confirmed orders for equipment. These were not arrearages in the same sense as in the case of Argentina. The nearest to the present transaction was one with Brazil which had been made a number of years earlier. So far as meeting the balance of payments difficulties of a Latin American government, the present proposal was not entirely new in character and would not constitute a precedent. Mr. Thorp commented that every time the Export-Import Bank made a loan a number of other applications were received but were not necessarily regarded favorably by the Bank.

Action.—Mr. Szymczak suggested that in order to cover the point he had earlier made with respect to inflation the following addition be made to the proposed action:

"The Council also calls attention to the fact that the expansion of money and credit in Argentina must be brought under control if

the various measures that are being proposed are to be effective in reestablishing normal commercial and financial relations between Argentina and the United States."

Mr. Thorp commented that this statement implied that the expansion of money and credit was completely out of control and suggested that the statement be modified to indicate that the expansion must be "carefully controlled." This suggestion was accepted and the recommended action, including the addition as amended, was approved unanimously.

Action. The following action was taken (Action No. 403):

The National Advisory Council approves consideration by the Export-Import Bank of a line of credit to Argentina not to exceed \$125 million, bearing interest at $3\frac{1}{2}$ percent per annum and repayable in 20 semiannual installments beginning in the middle of 1954. The credit would be used to pay United States commercial creditors of Argentina on private and governmental account in liquidation of past due dollar obligations. The credit would be evidenced by the obligations of a group of Argentine banks, bearing the unconditional guaranty of the Central Bank of Argentina.

The Council understands that the Argentine Government has stated its readiness (a) concurrently to provide dollar funds that might be needed to pay outstanding dollar obligations on private and governmental commercial account in excess of the \$125 million credit, and (b) to exert its best efforts to work out, within its financial possibilities, a mutually satisfactory settlement of arrears on transfers of past earnings of American investments.

The Council also calls attention to the fact that the expansion of money and credit in Argentina must be carefully controlled if the various measures that are being proposed are to be effective in reestablishing normal commercial and financial relations between Argentina and the United States.⁵

⁵ The Department's press release of May 17, 1950, "Factors in Economic Relations with Argentina," issued in conjunction with the Export-Import Bank's announcement of the loan, is printed in the Department of State *Bulletin*, May 29, 1950, p. 860. Additional information may be found in the address of Rollin S. Atwood, Officer in Charge of River Plate Affairs, before the Export Managers Club of New York, May 2, 1950, *ibid.*, May 22, 1950, p. 801. Pertinent also is the exchange of letters between Jacob S. Potofsky, Chairman of the Committee on Latin American Affairs, Congress of Industrial Organizations, and Mr. Miller, May 2 and 4, 1950, respectively, *ibid.*, p. 800.

In a letter of June 1 to Christian M. Ravndal, Ambassador of the United States in Uruguay, Mr. Miller in part suggested that the Ambassador point out to certain prominent Uruguayans that "... the Argentines really swallowed their pride in asking us for this loan and Cereijo took a terrific risk in going all out to comply with a number of our requests concerning trade and investment policy without any assurance from us that we would even consider a loan. Furthermore, the bank handed them a most staggering list of questions and demands for information which the Argentines complied with to the letter in an amazingly brief period." (611.33/6-150)

835.10/6-550

*Memorandum of Conversation, by Mr. Clarence E. Birgfeld of the
Division of East Coast Affairs*

SECRET

[WASHINGTON,] June 5, 1950.

Subject: Conversations of Mr. Arnold with President Perón and
Argentine Treasury Minister Cereijo

Participants: Mr. H. A. Arnold, President, E. R. Squibb & Sons,
Argentina

Mr. DuWayne Clark, EC

Mr. Clarence Birgfeld, EC

Mr. Arnold stated that during the last three weeks he had talked with President Perón and Argentine Treasury Minister Cereijo three times, and with the Argentine National Economic Council once. He said he had originally asked to see Perón in order to talk with him prior to leaving for the United States, and that Perón had suggested he call on him at the same time that Cereijo was to report the results of his trip to the United States. Mr. Arnold did this, and participated in Perón's meeting with Cereijo along with a number of cabinet officers, including Gomez Moralez, Minister of Finance, and Antonio Ares, Minister of Economy.

Following a brief report by Cereijo on the results of his visit to the United States, Peron led the criticism by noting the 50 to 60 million dollars in interest that Argentina would have to pay under the Export-Import Bank arrangement made by Cereijo. He contrasted this with the absence of any interest payments on the 30 percent basis which Argentina had followed up until now in liquidating the commercial arrears. Following this opening by Perón, the other cabinet Ministers criticized severely Cereijo's proposed arrangement with the Export-Import Bank, as well as that with the private banks.

Mr. Arnold said that he defended Cereijo's accomplishments in the United States, pointing out that the important objective is the re-establishment of Argentine credit, and that payment of interest was merely one of the costs of re-establishing that credit. Mr. Arnold said that whereas Cereijo had been unhappy on first seeing him present at this meeting, he afterwards practically embraced him since he (Arnold) was the only one coming to Cereijo's defense.

In subsequent interviews with Perón, Mr. Arnold said he stressed the importance of going through with the financial arrangements which have been projected.¹ He pointed out to Perón that failure to

¹ In a letter to Mr. Miller of May 23, 1950, from Buenos Aires, Chargé d'Affaires Lester D. Mallory had said in part that he had encouraged American businessmen, in their contacts with the President, to make representations favorable to Minister Cereijo and to the loans negotiated by him. (835.10/5-2350)

do so might bring about a severe reaction in the United States, and also would prevent any Argentine in the future from risking *rapprochement* with the United States since he always would have in mind what had happened to Bramuglia² and Cereijo.

Mr. Arnold said Cereijo is opposed by the entire cabinet, and that he draws his only support (which, however, is not negligible) from Evita. In response to a query, Mr. Arnold said he judged that this gave Cereijo a fifty-fifty chance of survival, although, of course, one could never know when Evita might wake up some morning blowing cool instead of warm as far as Cereijo was concerned.

Ambassador Remorino apparently is the cabinet's chosen candidate for Cereijo's job, according to Mr. Arnold, and he said further that Remorino is trying hard to unseat Cereijo and obtain for himself the presidency of the National Economic Council. In these efforts, Remorino is aided especially by Nicolini, Minister of Communications. With respect to the position of Foreign Minister, Remorino informed Mr. Arnold that he would not have the job, since his head would always be in danger of being cut off, and that he preferred to be six thousand miles from Argentina rather than be in Argentina in any position other than that of President of the National Economic Council.

Mr. Arnold stated that Remorino, in his campaign to unseat Cereijo, has been circulating reports to the effect that he (Remorino) had everything on the right track and had the right friends in the Government and the Export-Import Bank to secure financial assistance at least double that secured by Cereijo. Remorino is attempting to put across the point that things would have turned out better if he had been left in charge, and that in fact Cereijo merely mixed things up by interrupting at the time he did.

Mr. Arnold said that Perón and his government are preferable to any foreseeable alternative governments in Argentina in his opinion. Mr. Arnold said that there is no effective conservative opposition whatsoever. On the other hand, Perón has communism very much under control, although he fears communism and talked considerably about the threats of communism in Mexico, Guatemala, Chile and Brazil. Perón said that he would have no trouble in Argentina, since contrary to what Mr. Truman would be able to do, he could always get rid of them by having them awake one morning to find they had plotted an unsuccessful revolution the night before, and thus throw them out of the country.

Mr. Arnold believes that Cereijo is more powerful than his predecessor Miranda, and that this power is one of the reasons why the remainder of the cabinet is trying to force his overthrow. According

² Juan A. Bramuglia, predecessor to Señor Paz as Minister of Foreign Affairs and Worship.

to Mr. Arnold, Cereijo has key men in all the important offices of the different ministries, and the various cabinet members fear this power which encroaches upon them. The unseating of Cereijo will be difficult, however, so long as Evita is his champion; and Cereijo is of considerable aid to her, since he administers the various funds in which she is interested.

In one of his conversations, Perón commented to Mr. Arnold on the difficult terms demanded by the private bankers. Obviously referring to the gold guarantee, Perón stated that he wished that the bankers could be a little less like bankers to the extent of realizing the political difficulties of selling such terms in Argentina.

Perón mentioned several times the fact that Argentina would be on the side of the United States in the event of another war, which he expects. Perón said he could not understand why people doubted his sincerity on this point, but that it really did not matter, since there would not be any way of staying out of the next war. Commenting on Argentine neutrality during the last war, Perón said that Argentina had nothing to offer at that time, whereas it now has a well trained army and one of the world's largest merchant fleets, among other things.

In response to a query, Mr. Arnold said that neither he nor Perón had, at any time during their three meetings, mentioned the question of the Rio Pact.

Mr. Arnold said that he had the impression, although the subject was not discussed, that Perón feels that some additional large sum of money should have been given to Argentina merely as a *quid pro quo* for being on the side of the United States in the event of a third world war. Mr. Arnold feels that Perón is having difficulty in handling his army, since there is nothing for the army to do.

Perón asked Mr. Arnold to ascertain the reaction in the United States to Cereijo and to the arrangements which he had tentatively worked out. Perón asked that Arnold bring back with him his personal impressions based on interviews with Government officials and American businessmen, especially bankers.

611.35/6-750 : Circular airgram

*The Secretary of State to Certain Diplomatic Offices in the American Republics*¹

SECRET

WASHINGTON, June 7, 1950—9:20 a. m.

The Department has observed from comments of officers who have recently arrived in Washington from the OAR that they have not

¹ Sent to 19 Embassies and an information copy to the Embassy in Buenos Aires.

been sufficiently informed on recent developments in US-Argentine relations. The Department considers it essential that all officers assigned to posts in the OAR be as fully acquainted with these developments as possible.

[Here follows a list of circular telegrams and other information dealing with United States relations with Argentina.]

In addition to the above, the Department desires to correct certain impressions which appear to have received some currency. President Perón did not promise that Argentina would ratify the Rio Pact as a *quid pro quo* for US financial assistance. Perón assured Assistant Secretary Miller last February that he thought it possible to arrange for ratification of the Pact by the Argentine Chamber of Deputies during its present sessions which adjourn September 30, 1950. (The Argentine Senate has already ratified.) This assurance was quite apart however from the question of financial assistance. The Department further wishes to emphasize that although US officials have many times expressed to President Perón and other high Argentine officials our views on civil liberties, including freedom of the press, no action by Argentina was asked for or promised in this regard as a *quid pro quo* for Eximbank credit. It is of course hoped that a friendlier relationship between the US and Argentina together with an alleviation of the difficult Argentine economic situation will make more likely ratification of the Rio Pact and lessen the Argentine Government's tendencies toward the use of repressive internal measures.

ACHESON

611.35/6-2150

Memorandum of Conversation, by the First Secretary of Embassy in Argentina (Maleady)¹

CONFIDENTIAL

[BUENOS AIRES,] June 19, 1950.

Participants: President Perón
Minister of Hacienda ² Cereijo
Minister of Foreign Affairs Paz
Ambassador Griffis
First Secretary Maleady.

[Here follows a brief discussion of the Export-Import Bank loan.]

Commercial Bank Credit

Cereijo said he had telephoned National City Bank Vice President Shaw, New York, regarding the private bank loan. He went on to say

¹ This memorandum is an enclosure to Mr. Maleady's letter of June 21, 1950, to Mr. Tewksbury. (611.35/-2150)

² Treasury.

that it would be unwise politically to put up the country's New York gold on deposit as a guarantee, that this deal probably will not be completed, and that after commercial debt arrears are paid off with the Eximbank money the country's credit should improve appreciably and so make the New York loan unnecessary.

[Here follows a discussion of the petroleum, motion picture, packinghouse, farm equipment, and airline industries. President Perón and Foreign Minister Paz had joined the original participants for discussion of the Inter-American Treaty of Reciprocal Assistance.]

Ratification of the Rio Pact

The Ambassador, remarking that after the foregoing satisfactory conversation the President probably would want to throw him out for bringing up the next subject, said he wanted to ask when the Rio Pact would be ratified. He prefaced this with the statement that he is interested in seeing to it that Argentina obtains the military supplies³ and naval vessels⁴ it has asked for, but that a law⁵ now on the books does not permit allocation of such materiel unless the American Republic concerned, in this case Argentina, has ratified the Rio Pact. He added that this should be done before all presently available materiel is allocated to others.

Perón said that the pact was sent to the wholly Peronist Senate at the first session following signing, and that the Senate ratified it immediately. The instrument then went to the Chamber of Deputies. At the time there was a vociferous minority of size sufficient to produce a scandalous hullabaloo if the instrument should be brought to the floor. On the advice of party leaders, the Chamber decided to put off consideration. However, the President went on, the size of the opposition in the Chamber is now greatly reduced, the pact has been given a place on the agenda of matters to be acted upon this session, and he has no doubt whatsoever that it will be acted upon and ratified. He added that it would be unwise to take the instrument out of its

³ In a memorandum of July 26, 1950, to John H. Ohly, Acting Director of Mutual Defense Assistance, Mr. Miller said in part that the State and Defense Departments had agreed and had notified Argentina that the Argentine Government would be given until August 15 to pay in dollars for \$5,358,000 worth of military equipment earmarked by the U.S. Army for Argentina since 1948. (735.56/7-2650) However, the Department informed the Embassy in Argentina in telegram 101, August 15, 1950, that Argentina had canceled its request for this equipment on the previous day. (735.56/8-1550)

⁴ Documentation on the requests of Argentina and certain other powers for naval equipment is scheduled for publication in volume I.

⁵ Text of the Mutual Defense Assistance Act of 1949, approved October 6, is printed in 63 Stat. 714.

Information on other Argentine requests for military equipment made during 1950 is found in Lot 53 D 68, Box 2.

present order and bring it to the Chamber floor at once, since this would give the opposition an opportunity to claim that ratification had been a condition to our granting financial aid.

The Ambassador then referred to an earlier remark of the President that he should give the former credentials as an Argentine Ambassador in view of the good work he had done in Argentina's behalf and said that unless the pact should be ratified shortly he might lose his present job and have to take Perón at his word and accept the Argentine Ambassadorship. This elicited the additional assurance that the pact will be ratified before the end of the current session (September 30th).⁶

Conclusion of Double Interview

Perón revealed during the interview that he understands English. He said he reads it much better than he understands the spoken language. As the group walked to the door of the Presidential office the Ambassador remarked that in Cereijo and Paz the President had two fine boys, which phrase he repeated smilingly. Then, after cordial embraces, and as he again shook the Ambassador's hand, the President said once and again "Mr. Griffiths, I thank you. I thank you very, very much."

⁶ In telegram 552, June 28, 1950, from Buenos Aires, Ambassador Griffiths said in part: "Please inform Secretary and President and if possible Senator Vandenberg as personal message from me that Minister Foreign Relations told me this morning Argentine Chamber Deputies would ratify Rio Treaty tonight. He confident ratification will be rushed through." (361/6-2850) The Chamber completed its action on that day.

In a letter to Mr. Miller of June 28, President Perón stated in part: "The Government and people of Argentina have wished at this time (when the United States has taken the magnificent decision to stop Russia in its insidious and hidden actions) to work rapidly, converting the treaty into law of the Republic and assuring, as far as we are concerned, continental unity and the firm decision to defend it with a united and determined front." (unofficial translation; 361/6-2850)

In his memorandum of a conversation held June 30 between Mr. Acheson, Ambassador Remorino, and other officials, Clarence E. Birgfeld of the Office of East Coast Affairs stated in part that the Ambassador had assured the Secretary of Argentina's support of U.S. action in the Korean crisis. (363/6-3050)

835.10/8-950: Telegram

The Ambassador in Argentina (Griffiths) to the Secretary of State

RESTRICTED
PRIORITY

BUENOS AIRES, August 9, 1950—5 p. m.

111. For Miller and Tewksbury from Ambassador. Delay implementing Export Import credit is becoming painfully and cumulatively embarrassing here. Can Department take whatever action is necessary

to immediately end suspense and advise us if there is anything doable here.

British and Argentine deadlock on meat prices resulting in discontinuance of shipments and complete jam refrigerator space with probable necessity packers discontinuance purchasing livestock threatens demoralization and probable terrific financial losses American packers here. Could the Department consider unofficial intervention British obvious that violent break England and Argentina this time extremely dangerous international solidarity.¹

GRIFFIS

¹ In telegram 103, August 15, 1950, the Department replied that on August 11 the British Embassy had been consulted. "Dept merely acquainted Brit your and Dept's view seriousness matter, since undesirable intervene even unofficially at this time. However evident from conversation that Brit still maintain adamant position. Recognizing fluidity relationship meat problem to world events, problem will be kept active for reappraisal when and as desirable." (835.10/8-950)

611.35/8-2550

The Ambassador in Argentina (Griffis) to the Assistant Secretary of State for Inter-American Affairs (Miller)

CONFIDENTIAL

BUENOS AIRES, August 25, 1950.

DEAR EDDIE: Following my wire to you on Tuesday¹ that Mallory and I had had a long conference with Paz and Remorino unofficially on Korea and officially on wool, a publicity curtain descended although the brief announcement was apparently given out by the Foreign Office that I had called on Paz and Remorino and that they expected to consult with the President and the Cabinet on Wednesday noon in reference to the international situation. Neither Wednesday night's nor Thursday's papers referred in any substantial way to the Cabinet meeting and Remorino, who had promised to call me between three and four on Wednesday, was not heard from.

We ferreted him out yesterday, Thursday, and I have just returned from luncheon with him. In brief, he stated that the Cabinet had considered the Korean matter at length; that they had, as he expected, come to the conclusion that they could furnish no ground forces but that they felt that the solution would be to offer the services of certain ships of the Argentine Merchant Marine to aid in the transport of personnel and/or supplies. He did not make the categorical statement but the implication was clear and at the end of the luncheon he stated that he expected to fly to Washington next Tuesday or Thursday, August 29th or 31st, would call on you and discuss the matter with

¹ Telegram 136, August 22, 1950, not printed.

the chiefs of operation at the Pentagon. If this eventuates it seems to me it will be real progress.²

During the luncheon Remorino was bursting with optimism regarding the progress of Argentine-American relations and I played very sour and disparaging. This brought the query from Remorino as to the reason for my depression and I told him that it was not my position to criticize his chief, but that I felt that Perón had gone a long way in his recent utterances to undo all the good work that you and Remorino and I had done for a year. I went over, word by word, the recent statements of his chief which brought forth the usual defense "for home consumption". I told him that we felt that there were plenty of subjects for home consumption but that all of Perón's utterances were printed in the United States and that there were just two subjects that he must avoid if he wanted our cooperation and friendship, these being the tax [*attacks?*] on so-called capitalism and the tax [*attacks?*] on the independent papers here which roused the fighting ire of every newspaper in the United States. I said that I didn't really give a damn what he said so long as he confined it to local problems, to Communism, to Argentine agriculture or even nosing into Brazilian politics, so long as he did not bite the hand that fed. There was little left unsaid. Remorino seemed in complete agreement and urged that I have a personal talk with the President which I shall try to do. Yet, I hesitate in the wisdom of it until this aid to the United Nations is settled and I am still pessimistic enough to give small odds that a clear cut offer of aid will not be forthcoming; yet, I believe strongly that both Paz and Remorino are doing their best to secure it. You will be interested to know that Remorino expressed his somewhat grudging admiration for Paz and his continued enmity towards Cereijo.

My feeling regarding this whole Korean matter and Perón's outburst of violence culminating in his statement that *La Prensa* and *La Nacion* were controlled by enemies of Argentina and friends of capitalism and that Communists and capitalists were "now at one another's throats" and would inevitably destroy each other, making way for justicialism, came as a result of the hornet's nest which was stirred up throughout the country as a result of the signing of the Rio Pact and stated approval of the United Nations' Korean policy in such a short time.

This feeling was, I think, expressed in letters to you at about that time³ and as the days have drifted by I believe that my diagnosis has

² In telegram 161, September 11, 1950, the Department stated: "Remorino offered UN Sep 11 unspecified quantities canned and frozen meat delivered US port. . . . Dept puzzled Remorino's failure offer volunteer forces after having told Asst Secy Miller Sep 6 he expected offer to include them. Appears possible Remorino's instrs changed after he left BAires." (795.5B/9-1150)

³ Notably in the Ambassador's letter of July 20, 1950, to Mr. Miller. (611.35/7-2050)

been more than ever confirmed. Perón just simply lost his nerve and felt that he had better put the nation back on his side and follow the old theory that attack is the best defense. Writing more in sorrow than in anger, I am afraid that this is the real Perón who will put himself first in every crisis, who can run like a deer and who regrettably may be found looking out the window whenever the pinch comes. I do not want to destroy the gentle idealism of a distinguished young Assistant Secretary of State towards a great, *sic*, statesman, but I gather from some of your recent notes that it is pretty well destroyed anyway. It is all very sad.⁴

[The remainder of this letter deals with problems encountered by United States newspapermen and United States firms in Argentina.]

STAN GRIFFIS

⁴ In a letter of August 14, 1950, to Ambassador Griffis, in reference to statements by President Perón, Mr. Miller had said in part: "I am sorely tempted to call up our mutual friend Gaston and tell him to terminate the negotiations for the loan but I promise you I will refrain from doing so. We have to be completely scrupulous in showing our good faith over a sufficiently long period of time so that the Argentines can always know that we live up to our side of bargains." Mr. Miller also suggested that an approach to Sr. Perón on this subject by a private American individual might be more effective than one from any official quarter. (611.35/8-1450)

In a letter of September 1, 1950, from Buenos Aires, to Mr. Miller, Ambassador Griffis reported in part that he had asked Mr. H. A. ("Bill") Arnold (who had previously been scheduled for an interview with President Perón) to discuss with the latter the problems created for U.S. policy by his recent statements regarding capitalism and freedom of the press and to encourage him in his policy of support for the UN action in Korea. The Ambassador indicated that Mr. Arnold had complied with his request. (611.35/9-150)

103-XMB/8-2950

The Assistant Secretary of State for Inter-American Affairs (Miller)
to the Ambassador in Argentina (Griffis)

CONFIDENTIAL

WASHINGTON, August 29, 1950.

DEAR STAN: I am sending you today a long telegram¹ about the proposed Mexican loan to be announced later this week. There is one thing that I could not put in the telegram because of the system of distribution of telegrams in the Department and to other agencies, with which you are familiar.

Before wiring you this morning I talked to Walter Sauer to make sure that they agreed that you might in your discretion talk to Cereijo. During the course of the conversation he told me that everything was going well with the loan negotiations. He then added that he personally saw no reason why, after a few months of operations under the credit for the commercial arrears, the Bank and the Argentines could not

¹ No. 135, not printed.

work out another credit for new imports. I know that Bill Martin² is of the same opinion. Therefore, I think it in order for you to tell Cereijo personally and confidentially for me that if all goes well in the political and economic field between the U.S. and Argentina, he can look forward to sympathetic consideration, perhaps as early as next February, to an application for farm machinery credits.³ While I cannot guarantee the outcome and while the course of events (including statements about the third position) may complicate our life, I think that we can work something out.⁴

Best regards,

Sincerely yours,

EDWARD G. MILLER, JR.

² William McChesney Martin, Assistant Secretary of the Treasury; Chairman, Export-Import Bank, 1946-1949.

³ In a memorandum, dated August 8, of a conversation between Sr. Brignoli and Ambassador Fletcher Warren (Director, as of September 1, of the Office of South American Affairs), Mr. Birgfeld indicated that the Argentine Government wished to apply to the purchase of agricultural equipment those portions of the \$125 million credit unused for the settlement of commercial arrears. "[Sr. Brignoli] was informed that such a proposal would have to be submitted to the National Advisory Council, that the Bank was not in a position to consider this proposal in view of the criticism to which it had been subjected by Congress and in view of the proposed congressional investigation, and that furthermore it would be impracticable for the bank to permit the use of any of these funds for new machinery or equipment without careful study in view of the numerous interested U.S. exporters who had already been informed that the credit was solely for the purpose of liquidating past due accounts." (103-MB/8-850)

⁴ According to enclosure 1 to despatch No. 327 from Buenos Aires, September 1, 1950, this letter was translated for Minister Cereijo by Ambassador Griffis during a conversation on that day. (835.10/9-150)

835.10/9-2650

*Memorandum of Telephone Conversation, by Mr. Clarence E.
Birgfeld of the Office of East Coast Affairs*

CONFIDENTIAL

[WASHINGTON,] September 26, 1950.

Subject: Argentine Central Bank Guarantee of Export-Import Bank Credit

Participants: Dr. Julio Brignoli, Argentine Embassy
Mr. Clarence E. Birgfeld, ARA/OSA

Dr. Brignoli called to say that they had discussed with Mr. Sauer, of the Export-Import Bank, a proposal by Buenos Aires to redraft the article specifying the terms of the Central Bank guarantee so as not to state that the Central Bank guarantees the credit as "deudor principal". Dr. Brignoli said that Mr. Sauer was extremely agreeable and cooperative, which they appreciated very much, and that they had together drafted an alternative text which Brignoli personally thought would be agreeable to Buenos Aires.¹ This alternative text is

¹ One provision of the loan was that evidences of obligation were to be in the form of promissory notes issued to the Export-Import Bank by a consortium of

being forwarded to Buenos Aires today, and Brignoli hopes that early approval will be forthcoming.²

As background to the above, Brignoli had called on September 25 to inform the Department of the Buenos Aires objection to the phrase "deudor principal", and also to state that his instructions were to inquire of Mr. Miller whether he should present their suggestion directly to the Export-Import Bank or should wait for any possible representation which Mr. Miller might make to the Bank ahead of time. This instruction to consult Mr. Miller probably was founded on the Department's query to Buenos Aires on September 22 as to the reason for the delay in concluding the contract. Messrs. White and Birgfeld had agreed that Brignoli should continue dealing directly with the Export-Import Bank, and he was so informed, with the results reported above.

Argentine commercial banks and guaranteed by the Central Bank of the Argentine Republic. The phrase "deudor principal" was omitted from any reference to the Central Bank in the final Spanish text of the loan agreement, which was signed in Washington on November 13, 1950. (Lot 55 D 539, Box 4, File No. 751)

² In a memorandum of conversation dated October 23, 1950, Mr. Birgfeld reported in part being informed by Sr. Brignoli that on October 20, 1950, the Argentine National Economic Council had approved the proposed agreement between the commercial banks and the Export-Import Bank and that on the same day a necessary preliminary agreement between the Central Bank and the commercial banks had been signed. (835.10/10-2350)

Mr. Miller, Mr. White, and other ARA officials met January 2, 1951, with the Discussion Group on Argentina, an offshoot of the Council on Foreign Relations. According to minutes of the discussion by Fritz Stern of the Council, Mr. Miller was "... asked what would have happened to Argentina if she had not received our loan. Mr. Miller felt that more repressive measures would have been taken and also that Argentina would have encountered more frictions with other nations. Mr. White added that there probably would have been very little economic change. Prices of Argentine goods have increased greatly since the beginning of the Korean war. The price of wool has doubled; the economic position would have improved in any case. Because of the loan we get credit for economic developments in Argentina which have very little to do with our loan." (enclosure to letter from George S. Franklin, Jr., of the Council, to Mr. Miller, March 1, 1951, 611.35/3-151)

835.311/11-2450

*Memorandum of Conversation,¹ by the Chargé in Argentina
(Mallory)²*

RESTRICTED

BUENOS AIRES, November 17, 1950.

Last evening I called on Dr. Roberto Ares, Minister of Economy. The call was for the purpose of discussing matters relating to American-owned *frigoríficos* in Argentina.

¹ Copy transmitted to the Department as enclosure 1 in despatch No. 748, November 24, 1950, from Buenos Aires.

² Ambassador Griffis had arrived in the United States for consultations on September 24, 1950. In telegram 235, October 13, 1950, addressed to Mr. Mallory (in Buenos Aires) personally, the Department indicated that the Ambassador had by that date resigned or was certain to resign. (123 Griffis, Stanton) The resignation was made public on November 17, 1950, in a White House press release that included both the Ambassador's letter of resignation and the President's reply.

I told the Minister that I did not wish to discuss the many details involved in the packers problems since they were on the technical side and could be more properly discussed and understood by the packers and Dr. Taboada. I said, however, that I wanted to talk to him on the broader question of principle. The question of principle was implicated in the letter which Ambassador Griffis had addressed to the Minister and which I noted the Minister had before him. The Ambassador's letter directly or indirectly referred to a number of specific problems confronting the industry. It was in response to the Ambassador's letter and to a telegram which I had received from the Ambassador that I had decided to see His Excellency. I recalled to his mind that early in 1949 there had been suggested the idea of a "stabilization plan" made necessary because of governmental action which forcibly put the packers in a position of losing substantial sums of money. It not being possible to work out the plan at that time, a subsidy arrangement had been entered into under which losses incurred by the packers would be reimbursed by the Government. This system continued in effect until February 1950 at which time the Government indicated that a subsidy system was no longer desirable and proposed to withdraw deficit payments. I also recalled to the Minister that in March at a meeting in the office of the Minister of Hacienda, Dr. Cereijo, at which members of the Economic Council, representatives of the packers, Ambassador Griffis and myself were present, that it was agreed that the subsidy payment system would continue on a temporary basis and until such time as an audit of the books of the packers could be made and a stabilization plan formulated and put into effect. This continued for some months through various phases and finally at the end of August all payments were to cease and readjustments in prices having taken care of the export market and³ supposed freedom of the domestic market was to permit operation without loss.

I told the Minister that everyone had been very happy with such an approach to the problem but that unfortunately the stabilization plan had not been implemented in all respects leaving the packers in a difficult position. I made reference to the fact that the removal of wholesale selling prices on beef in greater Buenos Aires was not followed by similar action in the Province of Buenos Aires. Moreover, in place of wholesale ceiling a retail ceiling had been imposed in greater Buenos Aires which caused losses because the packers were unable to obtain sufficient margin between the price they had to pay for livestock and the price at which meat had to be sold. I mentioned, too, the fact that sales of hides and tallow to IAPI were obligatory at fixed prices, whereas the small country butchers were able to sell

³ Apparent misphrasing.

on an open market at higher prices and thus bid up the price of livestock.

The Minister said that with respect to the certain specific items such as the question of hides he was making arrangements for the necessary changes because he felt there was an injustice at present. He said he was also working with the authorities of the provincial government of Buenos Aires in La Plata and hoped to obtain some relief. With respect to the general position of the packers, the Minister spoke directly and very decisively saying that he thought they were continually complaining for no good reason and that he was convinced that they were not losing money. He was not disposed to enter into discussions concerning a floor or subsidy arrangement⁴ but said that with respect to the discussion of specific details, he wished to have a meeting and thereupon fixed on Tuesday at 5:00 p. m. for the representatives of the packers to meet in the office of the under-secretary,⁵ Dr. Campos, together with Drs. Taboada and Schachert.

The Minister said that he had recently, in an effort to promote the sales of Argentine products, had a representative cover all of Europe (he was referring to the trip of Schachert, Head of IAPI). He said that investigations there had shown that the American packers were not aggressive in making sales; that they had weak, ineffective European organizations or representations with the exception of Sansinena, an Argentine government-controlled packing plant. He said that when the Argentine Government wanted to have sales of meat made they had to go to some more aggressive salesmen such as the houses doing international trade in grains. The grain exporters had been able to sell meat at such diverse places as Italy and Peru at prices of 380 to 400 dollars per ton, whereas the best the packers seemed to be able to do were offers of 280 to 300 dollars per ton. He felt that if the managers were to return to their head offices in the U.S. where he said people were very much alive and good salesmen that they might get a rude shock. He implied that they had been taking it easy and whenever there was a slight difficulty went either to the American Embassy or to his office for help. He repeated the thought that he was by no means convinced that they were losing money.

Finally, the Minister said as would be noted from his defense of the private packing plants in a presentation which he made before the

⁴ In despatch No. 678, November 8, 1950, from Buenos Aires, the Embassy had indicated that the American-owned packing companies were once again asking for subsidies and had inquired of the Department as to whether the Embassy should endorse the request. The despatch concluded: "Perhaps the basic policy consideration is whether efforts should begin now to settle the packers' problems on a long-range basis, or whether temporary measures should be sought, as before, hoping that developments now unforeseen will some day provide a favorable solution. The packers insist on the latter course, which, in the Embassy's opinion, threatens to continue indefinitely the pattern of crises and unstable settlements characteristic of the last few years." (835.311/11-850)

⁵ Of Economy.

Argentine Congress, he believed that the private industry should continue and that they should be on a basis where under sound management they would be able to cover their costs and make a reasonable profit. He said that with respect to the several problems relating to prices that at the meeting he trusted that they could be worked out.

835.311/11-2450

*Memorandum of Conversation, by the Chargé in Argentina
(Mallory)¹*

RESTRICTED

BUENOS AIRES, November 17, 1950.

This morning I informed the representatives of the American *frigoríficos* of my conversation with the Minister of Economy last evening (see Memorandum of Conversation dated November 17, 1950). I did not give the packers as full an account as is contained in the memorandum referred to but conveyed all the principal points. The packers seemed to be pleased at the possibility of settling something at the meeting arranged for. They referred to a letter sent to the Minister by them on November 15² and asked whether in my discussion of the desirability of a floor arrangement I had referred specifically to local business or their overall operations. I was a little surprised at the question but replied that I had not been specific on the point. The representative of Armour and Co., Mr. Cambré, then said that this was important because on an overall basis his company at least, would not show any loss. What they were after, he said, was that the Government should make arrangements that they make no loss on local business while they were getting along all right on the export trade. He said that with canned meats they were doing all right. The other representatives indicated their agreement with Mr. Cambré, saying that they were very much concerned with local business. They also said that from the standpoint of tactics they did not expect that the Government would go so far as to provide a subsidy but that if their letter induced the Government to correct some of the present problems they would feel their purpose accomplished.³

¹ Copy transmitted to the Department as enclosure 2 in despatch No. 748, November 24, from Buenos Aires.

² Not found in Department of State files.

³ In a letter to Mr. Miller of November 20, 1950, from Santiago, Chile, Mr. White indicated that he had discussed meat-packing problems with Mr. Mallory in Buenos Aires. He concluded: "The evidence available indicates that the packers have not put their cards on the table with the Embassy in regard to their over-all profit and loss situation and that Les has been placed in a rather embarrassing position with the Argentine Government. It does seem to me that in cases where our diplomatic missions are requested to intervene for American companies, especially in complex matters, our missions should have all the facts before them. Otherwise, they are in the position of a barrister representing a client without as much knowledge of the case as the lawyer for the other party." (835.311/11-2050)

735.00/12-550

*The Officer in Charge of River Plate Affairs (Birgfeld) to the
Director of the Office of South American Affairs (Warren)*

CONFIDENTIAL

MONTEVIDEO, December 5, 1950.

PERSONAL

DEAR MR. AMBASSADOR: As you can imagine, both Buenos Aires and Montevideo have seen to it that I have been thoroughly occupied, and this accounts for the delay in writing you a second letter. Everything is going along wonderfully and on schedule so far. This letter will go in the pouch here on December 6 and, with luck, should reach you before I arrive back in Washington on December 13.

I feel that my visit to BA was very profitable. It has served to confirm some of the ideas we already had, and in a few cases to slightly correct or revise others. I have been particularly impressed with the obvious well-being and apparent contentment of the great mass of the BA population. There now remains practically no doubt in my mind but that Perón has made a substantial contribution to the economic status of the 60% or more of the population from which he draws his support. It seems quite clear that if elections were held today he would be re-elected with a proportion of the vote which in the United States would be called a "land-slide", and there would be no necessity to engage in any coercion. There does not appear to be any reason why the laboring class should bite the hand which is feeding them so well. The consensus appears to be that during the Perón administration the cost of living has gone up by about four times but wages of labor have gone up five times! I gathered these ideas from a wide variety of people including the British Minister-Commercial, Joint, the director of Shell-Mex Argentina, a lower middle-class Argentine of Italian descent, an Argentine of Salteño extraction who is raising a family as a commercial sign painter at 1500 pesos per month, and a young man of the white-collar class who is an auctioneer in one of the famous "remate" houses of BA.

Many representatives of American enterprises took advantage of my visit to discuss their problems. Among these were MacKenzie of American & Foreign Power, Ham Metzger of Standard Oil, Born of Panagra, George Smith of Panam-Panagra, and a few others. Noteworthy by their absence were any representatives of American shipping interests. Most of the remainder of this letter will consist of the re-typing of notes which I managed to get down in rough draft early one evening at the Residence.

No progress was made, unfortunately, on the *petroleum company problem* during my stay. Cereijo was absent from the office, reportedly sick, during the first four days of my visit, and when I did see him it

was to pay an official farewell call. There was no difficulty in seeing him, and he let me choose my own hour for paying the call. Joe Walstrom accompanied me, and the Minister informed us at the outset that he was expecting a summons from the President. Possibly because of that he was preoccupied throughout the visit, which may have lasted fifteen minutes. This was in marked contrast to the exceptionally high spirits he was in eight days earlier on the occasion of Les Mallory's dinner at the Residence. In response to my statement of our continued interest in the long-term agreement, and the desirability from the Argentine point of view of assuring itself of oil supplies. Cereijo merely stated that there was no problem connected with the continued operations of the petroleum companies, either with or without an agreement. This seemed to settle the matter as far as he was concerned except that he said that they are still working toward a long-term agreement. Naturally I had discussed this matter earlier with Ham Metzger, who suggested that no mention be made to Cereijo of their higher operating costs in pesos (as a result of devaluation), the problem of retentions, and related problems. Metzger and I agreed that any official representations, even on an informal basis, should be limited to the long-term agreement, so as not to spread our "shot", and that the matter of retentions, etc., would work itself out in the course of time as a result of representations by the companies themselves.

The *American and Foreign Power* problem was also discussed with Cereijo during my farewell visit. I observed that we were pleased that negotiations were continuing and that some progress apparently was being made. Cereijo agreed that negotiations were continuing, but said that American and Foreign Power was "muy duro." MacKenzie of AFP was pleased when I told him of my conversation with the Minister, and recognized clearly that we could do little more at this stage of the negotiations. Earlier I had talked at length with MacKenzie. It is an understatement to say that he appeared to be a changed man. He seems to have been considerably "softened up" by the Argentines. While not able to speak for Robertson, Mackenzie told me in the strictest confidence that he is now prepared to sell for any reasonable figure. While still maintaining that they should receive \$117,000,000, he is obviously willing to sell for less. We agreed that the present time is a good time to sell, and that it might be dangerous to risk waiting for a better time. MacKenzie said that he wanted to get out of Argentina before some others might be wanting to get out (it seemed evident he was thinking of the meat packers, but they were not mentioned), and that furthermore they needed the money and could take a little less in order to have it to use in other countries such as Brazil. MacKenzie said that if they could arrive at some figure to submit to Perón, he would be willing to let Perón slice a little more off it since "he had been working with these countries

long enough to know that the top man had to get a little credit too." He is a remarkably chastened man. Naturally he continued to criticize the Embassy, and I am sure by innuendo the Department, for not wholeheartedly supporting the \$117,000,000 figure. I let this observation pass without comment, since I have never been satisfied with the figure myself and could think of little to say which had not been said before. On the negotiations themselves, Mackenzie reported even further progress from that reported to Tewk and me in Washington by Robertson a month earlier. He has hopes, not without some doubts, of course, that the question of price might be settled before Christmas. He has impressed upon Lopez, the Secretary of the National Economic Council, the desirability of doing this, since weeks of delay would result otherwise, by reason of the holidays if nothing else. He reports that Lopez is in agreement with the idea, in principle, and that meetings are scheduled on a serious basis to begin about December 6. He phoned me at the Residence late in the evening of November 30, to report the above and also to say that Robertson was flying down to Buenos Aires on December 2 to participate in the meetings. If Robertson should feel the same as MacKenzie about selling out now, maybe they will be able to reach some satisfactory compromise with the Argentines.

In addition to talks with Embassy officers, I had the opportunity to discuss the *Anglo-Argentine Trade Agreement* with the British Ambassador¹ and with their commercial counselor Joint, the former over a before-lunch drink at the Jockey Club and the latter during a lunch which Jack Poole arranged a few days later at the American Club. The drink with the British Ambassador was arranged by Angie Biddle Duke.² The Ambassador was most optimistic regarding an early settlement of the deadlock, although he crossed his fingers when he said that he had hopes of reaching an agreement within a matter of days. Joint did not reflect his Ambassador's views in the least, and was his usual intransigent self, at least outwardly. Lyon, the head of Shell-Mex, Argentina, took me to lunch one day, and severely criticized the failure of the two countries to get together. He said it was like letting the principal go to the dogs while haggling over the interest. In other words, that trade was stagnant while the two countries argued over a difference in meat prices which, at the figures at which each party would be willing actually to negotiate, represents little more than the interest on the trade. I also discussed this subject briefly with Spangenberg, the Under-Secretary for Foreign Affairs, during the official visit I made on him. He contributed little to the subject, but did express himself strongly on the insulting remarks which the British found it necessary to make during the course of

¹ Sir John Balfour.

² Angier Biddle Duke, Second Secretary of Embassy.

commercial negotiations. Spangenberg also expressed his appreciation of our aid, which he said had strengthened their position vis-à-vis the British during this period. Although I certainly do not believe that anything we did even remotely had this as an objective, I did not disabuse him of his belief that it was intentional on our part. Going back to Joint, he said that the UP man in London is an Argentine who gets his orders on how to slant his stories from the Argentine Ambassador there. This was his explanation of why the recent UP London datelines have criticized the UK failure to reach a compromise.

During the course of my official call on Spangenberg, I asked him if he would comment, as between friends and off the record, on the status of the *Argentine canned and frozen meat offer* to the United Nations for Korea. You and I had agreed before I left Washington that we would leave the initiative to the Argentines, but in view of the worsening situation in the Far East and in view of my reasonably close friendship with Spangenberg I felt impelled, and in a position, to ask him about the meat offer. Since I had deviated from our agreed-upon tactic, you can imagine how pleased I was to return to a staff meeting in the Embassy and find them discussing the Department's telegram³ of inquiry on this subject which had just come in. Spangenberg very rightly called Les Mallory to his office the following morning and repeated the conversation he and I had the previous day, thus making it official and resulting in the Embassy's telegram of, I think, November 29.³ I should say that in bringing the matter up with Spangenberg in the first instance I made it more than plain that we were not pressing for Argentine fulfillment of its offer, that I was inquiring because of personal interest, that there might be recent developments which made it impossible at this time for Argentina to ship the meat, etc., etc. Rightly or wrongly, this seemed to me to be the best approach at the moment, even though I myself did not believe what I was saying. However, Spangenberg replied that the Argentine offer was serious, that there never had been, and was not now, any question whatsoever about fulfilling the offer, etc., and then gave the explanations which were forwarded in the Embassy's telegram.

I believe Les Mallory will have sent you a telegram saying that Brignoli expects to arrive in New York on December 13, and to proceed to Washington to work on the *Export-Import Bank credit*. It took prodding on several different occasions to get anything out of him, but he finally made the above prognostication the evening of November 30, at the reception which Les gave at the Residence for Secretary Brannan.⁴ In view of our extreme interest in getting payments on the way, and of the delay which has already taken place, I felt warranted in

³ Not printed.

⁴ Charles F. Brannan, U.S. Secretary of Agriculture.

"needling" him on every possible occasion. Anyhow, he is a good friend and did not mind.

Joe Walstrom and I discussed the *Supplementary FCED Treaty* with Juncosa Seré. He gave the distinct impression that he is working on it and following closely the details of the draft's circulation through the various ministries. He has received formal clearances from all of the ministries except Finance, and Industry and Commerce. He expects no trouble from Finance since financial experts were present in Washington. There are still several matters to be worked out with Industry and Commerce, and Juncosa Seré expects that the review of the draft treaty will be fully completed by the end of December. At that time, they will be prepared for the next round of negotiations. I tried to draw out of Juncosa their impressions of the treaty, its desirability, etc., but drew a blank. With his active mind and facile manner of expressing himself, Juncosa is able to give an impression of complete cooperation without actually committing himself very much.⁵

[Here follows a description of social arrangements made for Mr. Birgfeld's visit.]

Sincerely yours,

CLARENCE E. BIRGFELD

⁵ Information on negotiations regarding this treaty, which was not completed, is in file 611.354 for 1950-1951.

835.311/11-2450 : Telegram

The Secretary of State to the Embassy in Argentina

RESTRICTED

WASHINGTON, December 12, 1950—1 p. m.

348. Embdesps 678 Nov 8 and 748 Nov 24.¹ Dept considering requesting Emb facilitate short term agreement for *frigorificos* to mitigate increased labor costs and other unsatisfactory practices of Arg *frigorificos* vis-à-vis US plants. Pending stabilization agreement Wilson representatives strongly recommend reinstitution floor prices or subsidies. Embs recommendations requested.²

ACHESON

¹ Neither printed; regarding despatch No. 748, see footnotes 1 on pp. 735 and 738.

² In telegram 442, December 14, 1950, from Buenos Aires, Mr. Mallory replied in part: "At meeting with second level authorities yesterday packers were promised satisfactory solution for price differentials on animal fats and hides sometime next week. Also promised favorable action 80% advance on export stocks frozen meat accumulated since July 21. Although not final packers seem assured that price ceilings province Buenos Aires will shortly be raised to those applying Buenos Aires City. These actions if and when concluded should remove immediate need for floor prices or subsidies reurtel [348]. Yesterday Argentina admitted door not completely closed on possibility payment losses since September 1 which would be major reversal attitude." (835.311/12-1450) In telegram 361 to Buenos Aires, December 18, 1950, the Department replied that it concurred with the Embassy's conclusions. (835.311/12-1450)

BOLIVIA

CONCERN OF THE UNITED STATES OVER CERTAIN ECONOMIC PROBLEMS AND POLICIES OF BOLIVIA¹

824.2544/1-2650

Memorandum of Conversation, by Mr. Spencer M. King of the Office of North and West Coast Affairs

CONFIDENTIAL

[WASHINGTON,] January 26, 1950.

Subject: Bolivian Tin

Participants: Sr. Don Ricardo Martinez Vargas, Ambassador of Bolivia

The Secretary of State

Assistant Secretary Miller

Mr. King, NWC

The Ambassador expressed his appreciation of the time granted him while I was so busy with other work, but said his Government had instructed him to call personally to request the Department's assistance in solving Bolivia's acute economic crisis. He said his country unfortunately depended on the exports of a single commodity—tin—and the very life of Bolivia was threatened by the present crisis. He handed me a memorandum setting forth facts about tin and Bolivia's role in the recent war. He said the lengthy memorandum contained suggestions and pleas for US assistance.

I told the Ambassador I was aware of the great importance of tin to Bolivia and that we were all desirous of assisting it to solve the serious problems faced today. I assured him the papers left with me would receive the careful and sympathetic attention of appropriate officers in the Government.

The Ambassador explained his familiarity and agreement with the US policy to help only those who help themselves. He said Bolivia wished to do whatever it could and was always willing to cooperate. It has a program to diversify its economy through development of agricultural potentialities which, in five or ten years, will lessen the dependence of the population on imported foodstuffs which must be

¹ For previous documentation, see *Foreign Relations*, 1949, vol. II, pp. 525 ff.

purchased with the exchange received from tin exports. He stated that 80 percent of the demand for foodstuffs had to be met through imports at the present time. (This figure is greatly exaggerated.) He expressed his appreciation of the cooperation of the US, and specifically Mr. Miller, in arranging recent Export-Import Bank credits to complete the Cochabamba-Santa Cruz highway, without which the diversification program could not be completed.²

Assistant Secretary Miller pointed out to the Ambassador that the problem of Bolivia and its tin was one which the Department had been studying for many months. He noted that the present price of tin, about 75 cents per pound, is still considerably higher than the price during the war. If any practicable solutions of the present crisis could be suggested, we would be most happy to consider them. However, it was only fair to state frankly that the Munitions Board had indicated it did not consider continuous access to Bolivian production to be of great importance to the security of the US at present. Even were all Bolivian mines to close down, which is unlikely, the stock-pile program and concentrates available from other areas would be sufficient for this country, at least at the outset of any emergency. He cautioned the Ambassador that no immediate solution or special assistance to Bolivia was in sight. Furthermore, Bolivian producers are now forced to turn in a large portion of their foreign exchange for local currency at a most unrealistic and unfair rate which increases their natural high production costs. Bolivian tax and fiscal policies appear to be against the interests of the producers. Mr. Miller also mentioned the Bolivian feeling that the ECA program had assisted in the rehabilitation of the Far Eastern tin industry, which hurt Bolivia.

The Ambassador admitted that the tin industry of Bolivia bears a heavy burden, but explained that it was the only source of income for the Bolivian Government and that consequently it simply had to carry the load until such time as the dependence on it of the national economy might be decreased. The diversification program and reforms to be instituted after completion of studies by an International Monetary Fund mission currently in Bolivia ought to be of great assistance. Meanwhile, US assistance is required.

In closing, I reiterated that the problems of Bolivia would receive the careful attention of the Department.

² On May 1, 1950, the Export-Import Bank and a representative of the Bolivian Government signed, in Washington, an agreement in which the Bank loaned Bolivia \$16 million towards the completion of the Cochabamba-Santa Cruz highway. The bank had approved the loan in principle the preceding October.

724.00/3-3050 : Telegram

The Ambassador in Bolivia (Florman) to the Secretary of State

SECRET

LA PAZ, March 30, 1950—7 p. m.

110. ReEmbtel 100 March 27 and Deptel 62 March 28.¹ Deringer, manager Catavi,² informed Johnson³ by telephone this afternoon that he had just returned Uncia where he conversed with Judge Villa Gomez, who will try persons indicted Catavi massacre.⁴ Deringer stated Villa Gomez told him that he intends release tomorrow without bail Antonio Gaspar,⁵ Severo Oblitas and Fortunato Perez, and will decide tomorrow on release other prisoners indicted for massacre. Gaspar according Deringer was one of four principal leaders of mob who helped round up foreigners and was present in union hall, was also direct representative Miners Federation at time. Oblitas was one of lesser ring leaders. Perez was at Catavi during massacre, but announced he intended shoot Deringer and Conklin. Deringer said he protested strongly against release these men to Villa Gomez and Sub-Prefect, but without result. Sub-Prefect according Deringer said "he would see what he could do to keep released prisoners out of Catavi area." Deringer added that while situation quiet at Catavi, he fears consequences if released prisoners are allowed to circulate among workmen.

Embassy made immediate representation Foreign Office orally and by note pointing out that, while has no desire attempt intervene administration Bolivian justice, US will hold Bolivian Government strictly responsible any outrages or injuries which may be caused US citizens by activities released prisoners.⁶

While presenting note Johnson made oral presentation Under Secretary Foreign Office Alvarado who expressed appreciation information and showed visible concern. He immediately asked Penaranda, Counselor Foreign Office, to carry note to Foreign Minister⁷ who was

¹ Neither printed.

² The Catavi mine of Patiño Mines and Enterprises Cons., Inc.

³ Richard A. Johnson, Second Secretary of Embassy at La Paz.

⁴ For documentation regarding the killings at Catavi in May 1949, see *Foreign Relations*, 1949, vol. II, pp. 525 ff.

⁵ Antonio Gaspar Caraval, also known as Juan Gaspar.

⁶ In telegram 69, March 31, 1950, the Department stated in part it fully approved the Embassy's action. (724.00/3-3050)

In a memorandum of telephone conversations held March 31 with Ricardo Martinez Vargas, Bolivian Ambassador, Spencer M. King of the Office of North and West Coast Affairs reported he had told Sr. Vargas in part that release of the prisoners would render it impossible for the U.S. "... to send its citizens to reside in Bolivia to undertake any program of technical cooperation, as an example. Furthermore, such developments undoubtedly would generate in US Government circles a strong resistance to any type of aid to Bolivia. Finally, I added that a certain result of the failure of Bolivia to apply even its own laws would be the presentation of diplomatic claims." Sr. Vargas informed his government of these views that day. (724.00/3-3150)

⁷ Pedro Zilveti Arce.

in Cabinet meeting at Palace. Penaranda promised telephone results interview Foreign Minister which will be communicated soonest.⁸

Other sins only speak, murder shrieks out.

FLORMAN

⁸ In telegram 134 from La Paz, April 5, 1950, Ambassador Florman reported in part Sr. Zilveti had assured him the prisoners would not be released on bail or under any other circumstances and had stated Judge Villa Gomez was under indictment for having shown partisanship. (724.00/4-550) In telegram 335, January 25, 1951, the Ambassador stated he had been informed that of those accused of the murder of Americans at Catavi, four had been sentenced to death, 11 had received prison terms, and 33 had been acquitted. (724.00/1-2551) Reference was to the court of original jurisdiction.

824.00/8-1150

Memorandum of Conversation, by Mr. Spencer M. King of the Office of North and West Coast Affairs

SECRET

[WASHINGTON,] August 11, 1950.

Subject: Economic Assistance to Bolivia

Participants: E—Mr. O'Gara, Acting Assistant Secretary for Economic Affairs

E—Mr. J. Schaetzel

ED—Mr. Malenbaum

ER—Mr. Bramble

OFD—Mr. Spiegel

ARA/E—Mr. White, Mr. Cady¹

NWC—Mr. King

Mr. Schaetzel opened the meeting by saying that it had been called as an experiment. He said Bolivia had been undergoing an economic crisis earlier this year, pleading for US aid and apparently needing it. Now, with the Korean situation and the resulting increases in prices of strategic commodities, especially tin, Bolivia seemed to be out of the woods.² This salvation, however, would be only temporary. Unless advantage is taken of the opportunity offered, we will have the same problems to face again later on. He then asked Mr. Bramble to

¹ J. Robert Schaetzel, Acting Staff Assistant to the Assistant Secretary for Economic Affairs; Wilfred Malenbaum, Chief of the Investment and Economic Development Staff; Harlan P. Bramble, Assistant Chief of the Economic Resources and Security Staff; Harold R. Spiegel, Deputy Director of the Office of Financial and Development Policy; Ivan B. White, Economic and Financial Adviser to the Assistant Secretary for Inter-American Affairs; and John C. Cady of Mr. White's staff.

² According to the Policy Statement for Bolivia dated August 7, 1950, a tin contract signed by the RFC and the Bolivian Government on August 1, 1950, provided for a price sharply higher than that prevailing before the Korean conflict. The contract covered delivery of roughly three-fourths of Bolivia's annual production of tin concentrates for 1950. (611.24/8-750)

summarize the world tin situation, this being Bolivia's most important export.

Mr. Bramble gave a brief summary of the statistical picture in tin, with comments on consumption, supply, stock pile and price. In the course of considerable discussion the following was developed. Consumption in tin is relatively inelastic—it will not decrease appreciably if the price is high and it will not expand to any extent either if the price is low or if complete wartime conditions exist. We got along during the last war with as little as 40,000 tons a year, although normal US consumption is about 60,000. The major use of tin is in making tin plate and this industry has been operating near capacity for some time. Consequently, even war will not increase the output of tin plate, although it may be destined for different uses. The supply of tin comes chiefly from the Dutch, British, Belgian and Bolivian producers. The Bolivians cannot compete under normal conditions in the world's markets due to their higher production and transportation costs and the lower grade of their concentrates. The stock pile objective is 280,000 tons, of which about 100,000 tons were on hand at the end of the last fiscal year not including FRC stocks. These must be maintained at a minimum of 20,000 tons since the Department of Commerce has not removed tin from its list of items in short supply for general consumption. The stock pile can be expected to be filled in 1952 after which time demand will drop off sharply, creating surplus conditions. Recent price increases have been due to speculation on the loss of access to Far Eastern mines rather than to any feeling that production throughout the world cannot keep pace with demand. The British Ministry of Supply today announced it had no tin for sale—this does not mean it has no tin but only that it is not offering it for sale. This will no doubt force the price on up. Bolivia is benefitting handsomely by the higher prices, being back to the bonanza days of 1948–49. This situation will not last indefinitely, of course. Consequently, the producers are still anxious to conclude an intergovernmental tin agreement, with the Dutch and British producers probably willing to accept a price lower than the present market in the hope of forcing some of Bolivia's mines out of business. Bolivia, on the other hand, would consider any agreement that limited rather than supported prices as worse than nothing. It was also agreed that it was impossible to establish just what might be a "fair price" for Bolivian tin.

Mr. O'Gara then asked if the increased exchange receipts resulting from higher prices would allow Bolivia to finance a development program which would preclude another crisis when prices again break. Mr. King said he did not think so—that Bolivia had asked the US to lend it approximately one year's imports of basic foodstuffs and

equipment,³ having a value of about \$18,000,000 and that the estimated \$10,000,000 to \$14,000,000 extra to be received this year would merely allow the country to operate with a smaller deficit. He also said that Bolivia probably had the resources to carry out a modest but effective development program if it would undertake a number of basic reforms, especially in the fields of taxation, budgetary practices, public administration and trade controls. Mr. King added that it was hoped that the United Nations Technical Assistance Mission now concluding its studies in Bolivia would make sound recommendations for reform. Some discussion then followed as to the proposal to appoint UN administrators to work in the various Bolivian ministries with real authority, there being general agreement that, although a novel idea, it might work out and was worth trying since it probably was the only way to force the Bolivians to take the necessary measures to put the country on a sound economic and political basis.⁴

In this connection, Mr. O'Gara commented on Mr. White's statement that the Bolivians needed an incentive—what Mr. Malenbaum called “a carrot”—asking if the prospects of future prosperity and well-being were not sufficient incentive to a country to bring about effective reform. Mr. White said he doubted it, especially in the case of Bolivia, and that, although it is US policy to insist on self-help, the US realizes that throughout Latin America it probably has to help the countries help themselves. Unless the US is prepared to hold out the hope of additional large-scale financial assistance, it will be difficult to put pressure on most Latin American states to straighten out their internal affairs.

³ In instruction No. 30 to La Paz, September 11, 1950, the Department discussed its search for a way to meet a Bolivian request for aid of May 15, 1950, insofar as foodstuffs and commodities were concerned. In conversations with the Department, the Commodity Credit Corporation had reaffirmed its policy of not allowing wheat sales from government stocks on a credit or loan basis. Also, fulfillment of the Bolivian request would have resulted in virtual preemption by the United States of the Bolivian market for a number of products and would have thereby violated longstanding policies of the United States and of the FAO, of which the United States was a member. Nor was the Bolivian case covered by legislation that authorized donation, as emergency relief, of surplus U.S. food stocks by private charitable organizations.

A monetary loan was not feasible because the Export-Import Bank did not make nondevelopmental loans. The Department was unable to ask Congress for special legislation for several reasons, among them the precedent involved.

For these and other reasons, the Department had to refuse the Bolivian request. Ambassador Florman was asked, in informing Sr. Zilveti of the U.S. decision, to stress the factors mentioned above, the recent improvement in the price of tin, and the need of Bolivia to undertake a carefully planned long-range development program. (824.00/5-1550)

⁴ In telegram 81 to La Paz, September 29, 1950, the Department stated in part: “Dept most anxious avoid prejudicing success mission's recommendations or on other hand of assuming responsibility for them.” (398.00-TA/9-2550) Other documents in files 398.00-TA and 824.00-TA for 1950 indicate that the Department's attitude towards the UN Mission did not change during the remainder of the year.

At one point in the discussion, Mr. O'Gara asked what Bolivia did before World War II for foreign exchange to meet the cost of its imports. Mr. King replied that, although the price of tin was relatively low by present-day standards, it was also stable due to the control of the Tin Cartel providing Bolivia with reasonable assurance of a steady income from its tin. Secondly, and of more importance, wartime prosperity brought about a change in the characteristics of Bolivian imports, with a trend towards higher unit cost items as well as greater volume being apparent. The higher cost of items was due to purchases of luxury and semi-luxury goods which increased the total value of imports at a rate greater than the increases due to general inflation throughout the world. The question was asked whether this reflected an increase in Bolivian standards of living and Mr. King replied that, although there may have been a slight general increase, it probably indicated an increase in the standards of the urban and monied classes rather than of the masses.

When the balance of payments problem was raised, Mr. King pointed out that whereas official Bolivian figures indicated a net deficit of almost \$20,000,000 over the past ten years, a recent study by Embassy La Paz, in which corrections were applied, indicated a deficit for the period of only some \$900,000.

Although no conclusions were reached as to how to solve the problem of Bolivia, it was generally accepted that further discussion would be had to ascertain what type of "carrot" might be effective in getting the Bolivians to take necessary internal measures to right the ills of the country.

824.131/8-2450

*Memorandum of Conversation, by the Assistant Secretary of State
for Inter-American Affairs (Miller)*

CONFIDENTIAL

[WASHINGTON,] August 24, 1950.

Subject: Bolivian Exchange Decree of August 11, 1950

Participants: Mr. Paul Linz, Assistant to Dr. Mauricio Hochschild,
South American Minerals and Merchandise Corporation

Assistant Secretary Miller

Mr. King—NWC

Mr. Linz said he had already discussed with Messrs. Atwood¹ and King the problems of the Hochschild company and the mining industry in general in Bolivia resulting from the exchange decree of

¹ Rollin S. Atwood, Acting Director of the Office of North and West Coast Affairs.

August 11,² but he wished to emphasize to me the unfortunate repercussions which could be expected from this confiscatory measure. He said the mining industry just could not continue operations at the present level of production with the little bit of foreign exchange allocated to it to meet operating expenses; much less could it expand production as had been contemplated in view of increased minerals prices. Referring specifically to tin, Mr. Linz said Hochschild had two choices: the company could cut operations by about 50 percent, using inefficient hand labor to a greater extent and less mechanization to strip the mines of the richer ores, thus depleting them in four or five years, or it could cease operations entirely. The danger of the latter course, and possibly the real objective of the drafters of the decree, would be that if industry attempts to close down properties the government will nationalize them, obviously paying inadequate, if any, compensation to the owners.

Mr. Linz emphasized that private capital could no longer operate in the Bolivian mining industry, at least not under the August 11 decree. He said his company had plans to develop the Bolsa Negra mine and possibly the Matilde mine, the latter in collaboration with the American Smelting and Refining Company³ and the Export-Import Bank, which had shown a real interest in the proposition. Obviously, these plans have been abandoned until the exchange decree is modified.

In going over the requirements of the industry for foreign exchange, Mr. Linz mentioned that Hochschild had spent over \$1,000,000 on the unsuccessful Tainton process experimental plant at Potosi. Each year, he spends considerable sums for research here in the States, including a monthly retainer to the Dorr Laboratories. Bolivian engineers are brought to this country for training. Such activities all require foreign exchange and will have to be suspended. Not only this, but these very facts disprove the statement of Dr. Keenleyside, head of the United Nations Technical Commission which recently visited Bolivia, to the effect that the mining industry took out all the dollars they could and put nothing back. Mr. Linz admitted that the industry possibly has taken out more dollars than it might have, but certainly

² In telegram 67 from La Paz, August 14, 1950, Ambassador Florman had reported in part that the August 11 decree required tin producers to surrender virtually all of their foreign exchange receipts to the Central Bank, which was then to return them exchange worth no more than 28 percent of a tin "base price" (itself below market price) for production costs, capital equipment, and capital service. (824.131/8-1450)

The Department had stated in part in telegram 40 to La Paz, August 21: "Dept will not become involved in controversy arising from new exchange decrees . . . considering this domestic Bol matter." (824.2544/8-2150)

³ In another memorandum of conversation dated August 24, Mr. Miller reported in part being informed by Mr. Oscar S. Straus, Treasurer of the American Smelting & Refining Company (Bolivia's largest copper producer), that his firm considered the August 11 decree confiscatory. (824.131/8-2450)

not "all it could". He then offered to give instructions that Hochschild's books be thrown open for examination by a designated official of our Embassy in La Paz in order to prove his arguments on exchange requirements.

Mr. Linz then launched on a rather bitter attack on the United Nations Technical Commission, or at least on individual members of the group. He said that the Bolivian Government claimed its exchange decree was based on the recommendations of the mission, whereas the mission was still at Lake Success preparing its report. Actually, the two mining experts on the mission, Messrs. Seldenrath, a Dutchman, and Monture, a Canadian, had informed him at lunch that they were "horrificed" by the decree. But other members of the group reportedly favored nationalization of the mines and had made incidental and derogatory remarks about the industry at cocktail parties which were used by the Bolivian Government as the basis for the exchange decree. Mr. Linz added that the rumor was current in Bolivia that one member of the UN Mission actually drafted the text of the decree.

Some discussion as to the interests of the US in Bolivia and the extent to which it could become embroiled in a domestic matter followed, with Mr. Linz insisting that there was a real interest for strategic reasons which overrode the subtleties of diplomacy. Furthermore, he said that as long as the US was spending public funds to bolster the Bolivian economy he thought it had a right to indicate an interest in measures tending to cause economic deterioration.

I told Mr. Linz we would discuss this problem with the Bolivian Ambassador, perhaps suggesting that a delay in enactment of the decree into law would be advisable to allow time for further study and consideration of the integrated plan to be presented by the United Nations later this year.

824.2544/8-2550 : Telegram

The Secretary of State to the Embassy in Bolivia

CONFIDENTIAL

WASHINGTON, August 25, 1950—8 p. m.

51. Absence Amb Martinez Vargas, Min Counselor Peñaranda informed fol today:

US Govt disturbed possible impact Aug 11 exchange decree level Bol production strategic minerals and gen level Bol economy. Although Dept does not intend espouse cause mining industry nor wish interfere internal affairs Bol, reps several cos formally protested decree recent days alleging wld be forced restrict production up to fifty percent or close down completely. Dept does not necessarily accept allegations at face value but informed plans expansion operations and investment new capital abandoned. In addition natural interest US

auth continued availability strategic materials, US wld consider unfortunate any measure tending further depress econ activity and discourage private capital investment especially while US attempting thru loans public funds and other programs contribute to development economy. This Govt aware work UN Mission and hopeful final recommendations now being coordinated Lake Success to be presented later this year will provide basis sound econ and fiscal reforms leading to stability and prosperity. Considers it unwise take precipitate action raise present decree level law without considering its place in over-all planning. Consequently, this Govt concerned precipitate enactment decree into law by Congress without opportunity full discussion. This connection, Dept recalls frequent eloquent pleas Bol Govt earlier this year special assistance tin mining industry basis industry cld not produce even at restricted post-war rate with price only about seventy-five cents and required about ninety cent price meet operating expenses. Dept cannot and will not attempt determine exact price needed, but recognizes fact Bol operations high cost and require larger dollar expenditures than in many other countries.

You are instructed make above views known Bol Govt earliest, emphasizing importance detailed study technical aspects above problems prior enactment law.¹

For urinfo, Dept anticipates opportunity next week discuss Bol problems Keenleyside, especially implications statements to press Aug 15 re nationalization mining industry.

ACHESON

¹ In response to Ambassador Florman's request for further instructions in telegram 98 from La Paz, August 27, the Department replied in telegram 53, August 28: "US of course cld have no objection sound econ plans fiscal and tax reform based on careful technical studies which wld enable use part present windfall high prices strategic materials in gen econ development prepare Bol avoid another crisis end present world emergency and return normal conditions. Avoid any indications US Govt requesting modification decree . . . Emphasize advisability postponement legis as outlined penultimate para Deptel 51." (824.2544/8-2750)

824.2544/8-2950 : Telegram

The Ambassador in Bolivia (Florman) to the Secretary of State

CONFIDENTIAL

LA PAZ, August 29, 1950—7 p. m.

105. Re Deptel 51, August 26 [25] and Deptel 53, August 28.¹ Was received today by Foreign Minister and presented Department's views. Foreign Minister was sympathetic and appeared confident that its [*sic*] August 11 tin decree has the full support of the UN at Lake Success. He said that the Bolivian Government would not enact

¹ Telegram 53, not printed, but see footnote 1, telegram 51, *supra*.

decrees or pass law that would be contrary to recognized principles as practiced by democratic peace loving nations individually and the UN specifically. He also said that the Bolivian Government has every intention to cooperate and go along with the US and that the Government cut Italy's requisition for tin in half so that the US may have more tin.

When I brought out that the US will be deprived of its required tin needs owing to curtailed production account of August 11 decree Foreign Minister phoned President at Palace. Foreign Minister then told me that although all phases of the mining industry were carefully studied, including profits to miners and increased production prior to the enactment of the August 11 decree which the Government intended to rigidly enforce, he is now pleased to advise me if it should be found necessary, the decree will be made flexible so that the US will not be deprived of its tin needs.²

It is my opinion that the Bolivian Government would never have taken the responsibility to issue that decree of August 11 if it had not been promoted, encouraged and assured by the UN mission to do so.³

FLORMAN

² In telegram 115 from La Paz, September 6, 1950, Ambassador Florman stated: "I was received in audience today by President Urriolagoitia at palace for hour discussing tin and am especially pleased to report August 11 tin decree is now a dead duck and Presidential palace door is wide open." The Ambassador added that mine representatives were expected to meet with the President. (824.2544/9-650)

³ In a memorandum of conversation dated September 1, Mr. King related in part that Dr. Keenleyside had denied to himself, Mr. Atwood, and Fletcher Warren, Director of the Office of South American Affairs, that members of the UN Mission recommended the steps embodied in the decree of August 11. (398.00-TA/9-150)

724.00(W)/10-1350

*The Counselor of Embassy in Bolivia (Maleady) to the
Department of State*

[Extract]

CONFIDENTIAL

LA PAZ, October 13, 1950.

No. 370

Subject: Joint Weeka¹ No. 41

Economic

Meetings have gone on all week between the Minister of Finance and the American managers of the three big mining companies,² with

¹ "Joint Weekas" were resumes of each week's events to which a number of Embassy officers and armed services attachés usually contributed information.

² The several companies belonging to the Hochschild and Patiño Groups and the Compagnie Aramayo de Mines en Bolivie.

the American Ambassador in attendance and preventing stalemate on occasion.

According to a Foreign Office official who acted as translator, it appeared several times that substantial agreement had been reached, but each time the representatives of the tin industry have made some new demand; and negotiations are continuing. The Bolivians are apparently glad of the presence of the Ambassador, who they feel will explain their point of view to the American Government and public if they are unable finally to reach agreement with the miners.³

³ In telegram 206 from La Paz, October 31, 1950, Ambassador Florman reported in part that the President had on the previous day signed an agreement with the mining industry under which the August 11 decree would be revised so as to allow the tin producers to retain, depending on the price of tin, between 42% and 44% of their foreign exchange receipts. (824.2544/10-3150)

In a letter of April 9, 1951 to Carlisle Humelsine, Deputy Under Secretary of State for Administration, Thomas C. Mann, then Deputy Assistant Secretary of State for Inter-American Affairs, stated in part:

"In August 1950 a dispute over certain exchange controls arose between the Bolivian Government and the owners of Bolivian tin mines, none of whom are American citizens. The Department's information as to what actually took place is meager but it is known that the Ambassador participated in negotiations between the Government and the owners of the tin mines. These negotiations resulted in an agreement between the interested parties, except on exchange controls relating to tungsten.

"It is correct that this agreement made it possible to obtain the cooperation of the mine owners in increasing production (except of tungsten). The manner in which the Ambassador directly intervened in the negotiations, however, resulted in sharp criticism in the Bolivian press for U.S. intervention in the internal affairs of Bolivia, and the Bolivian Minister of Finance was formally interpellated by the Bolivian Congress concerning the manner of Ambassador Florman's participation. Another unfavorable result of the intervention was that the United States Government is now identified with the settlement formula and must bear the onus for the dissatisfaction which exists with it." (611.24/4-951)

Editorial Note

Under date of November 17, 1950, the Chargé in Bolivia (Maleady) transmitted despatch No. 449 (not printed), which summarized the week's developments in Bolivia. Mr. Maleady reported in part that President Mamerto Urriolagoitia had signed a bill enacted on October 5, 1950, by the Bolivian Congress. This law provided for the conversion, up to December 31, 1953, of a number of Republic of Bolivia bond issues, in default since 1931, into one new series bearing a reduced interest rate at face value. Interest payments were to begin in 1951 from funds to be created by taxes and duties not yet enacted. (724.00(W)/11-1750)

In a letter of March 8, 1951, to Senator Edward J. Thye of Minnesota, Jack K. McFall, Assistant Secretary of State for Congressional Relations, said in part that the action of the Bolivian Government had been in accordance with an agreement reached in 1948 by

the Bolivian Government and the Foreign Bondholders Protective Council and that the Bolivian Government hoped to make an initial payment on the bonds on July 1, 1951. (824.10/3-151) For documentation on the 1948 agreement, see *Foreign Relations*, 1948, volume IX, pages 329 ff.

Editorial Note

Documents in file 724.56 for 1950 indicate that the Bolivian Government during that year made to the United States Government one payment of 5,500,000 bolivianos and two payments totaling \$200,000 under a Lend-Lease Settlement Arrangement reached in November 1947.

In airgram 148 to La Paz, February 2, 1951, the Department acknowledged that an additional Bolivian payment of \$15,644.21, forwarded to Washington by the Embassy on January 26, 1951, completed Bolivia's obligations under the 1947 settlement. Under it, payments were to have been completed on July 1, 1950. The Department expressed appreciation for the Embassy's persistent efforts to liquidate the account and stated that negotiations with Bolivia regarding a so-called "contingent" lend-lease account totaling \$494,399.25 might soon be resumed. (724.56/1-2651) According to instruction No. 61 to La Paz, June 20, 1950, the "contingent" account included items for which Bolivia had, at time of purchase, specifically agreed to pay full cost. (724.56/5-1150)

BRAZIL

INTEREST OF THE UNITED STATES IN THE ECONOMIC DEVELOPMENT OF BRAZIL¹

Editorial Note

On March 1, 1950, the National Bank of Brazil issued a decree which required some freight and passenger charges payable to operators of vessels calling at Brazilian ports to be made in advance in cruzeiros. The United States Government recognized that the purpose of the decree was to conserve foreign exchange but claimed it to be incidentally discriminatory in favor of Brazilian flag carriers. The United States succeeded in obtaining partial revision of the decree in advance of its issuance, but the problem remained between the two countries for the remainder of the year. Files 900.5320, 900.5332, and 921.53 for 1950 contain detailed information.

¹For previous documentation, see *Foreign Relations*, 1949, vol. II, pp. 549 ff.

832.00 TA/4-1350

Memorandum by Mr. John U. Abbink of the Interim Office for Technical Cooperation and Development to the Assistant Secretary of State for Inter-American Affairs (Miller)

CONFIDENTIAL

[WASHINGTON,] April 13, 1950.

Announcement in press reports from Washington regarding the progress in Argentine negotiations makes it all the more necessary to take some positive steps in solving the seeming impasse in Brazilian-United States conversations, if our relations with Brazil are not to be seriously affected.

As I told you at the Business Advisory Council meeting last week Monday night, while the Joint Brazil-United States Technical Commission¹ was holding its sessions 15 months ago, the Brazilian members formally asked that the Joint Commission idea be made permanent, with meetings once or more a year to check progress made and to provide comment to both governments on further steps to be taken. Informally, President Dutra endorsed the plan, though he was careful not to make it as a request.

¹Mr. Abbink's report to the Secretary of March 17, 1949, commenting on the work of the Commission, is printed in *Foreign Relations*, 1949, vol. II, p. 552.

While the United States members of the Commission agreed that there was danger that much of the accomplishment and much of the good will created in the joint conversations might be dissipated if the Commission were to disband, we felt that to agree exceeded our instructions, and asked the Department for advice. I was instructed to "soft-pedal" the idea, and the result was a watered down recommendation that a "mechanism" be established for periodic joint review and further discussions.

The Brazilians were disappointed and while he never said so specifically, I am sure that Dr. Bulhoes² was sent to Washington in the hope there would be determined follow-up. Unfortunately he arrived at a time when reorganization of the Department was taking place. About six months ago Bulhoes informally and somewhat facetiously indicated he thought he was being "shunted off", and at that time he offered to bet that the United States would be helping Argentina out of her difficulties before any serious steps were taken regarding Brazil. (I took the bet!)

Bulhoes' attitude is like that of many other Brazilians. They feel that the United States presumes on Brazilian friendship, but that we lean forward to enlist the cooperation and solve the problems of other Latin American countries. Deeply they believe that as one of the *active* allies of the United States in both world wars, Brazil should have been a beneficiary of Marshall Plan funds equally with our European allies, and certainly before some of our enemies (Italy, Germany and Japan) received help, on the premise that the Brazilian economy too suffered a set-back during the war.

This is an attitude we'll have to live with; it is probably too widely held for us to overcome.

In the light of developments during the past year, it is unfortunate that joint United States-Brazil overall study and conversations were permitted officially to lapse. They should, if possible, be reconstituted in some form because the Brazilians badly need help, if only to learn how to present proposals in a manner that will permit serious consideration by the Export-Import and World Banks. These institutions feel that there are ways in which they could help, but that the Brazilians hinder rather than advance their prospects by presenting incomplete or contradictory material for study.

For the longer range it occurs to me that the Brazilian proposal for a Joint Guaranty Plan³ offers a solution. Assuming the National Advisory Council decides that the plan is feasible insofar as the

² Octavio Gouvêa de Bulhões, Chief of the Economic and Financial Studies Section in the Cabinet of the Minister of Finance; also Brazilian Cochairman of the Commission.

³ The Joint Guaranty Fund is further discussed in the memorandum of October 6, 1950, by Randolph A. Kidder, Officer in Charge of Brazilian Affairs, to Under Secretary of State James A. Webb, p. 771.

United States is concerned, the proviso that the plan be jointly administered might afford a mechanism for continuing collaboration at a level which could be effective without being too obvious.

The critical period, it seems to me, is the next few months.⁴

⁴In a letter of April 17, 1950, to Herschel V. Johnson, U.S. Ambassador to Brazil, Mr. Kidder said in part that Mr. Abbink's memorandum had been discussed by Mr. Miller and a number of other ARA officials. "Mr. Miller feels strongly that something should be done by way of a more positive approach to Brazil's desire for our cooperation." (832.00-TA/4-1750)

Editorial Note

On April 19, 1950, the Governments of Brazil and the United States exchanged notes agreeing upon terms of payment for certain contingent lend-lease accounts. Text of the notes is contained under cover of a memorandum of April 25, 1950, by C. W. Kempter of the Lend-Lease and Surplus Property Staff. (732.56/4-1950)

The payment of these amounts had been specified, but deferred, by the Brazil-United States Lend-Lease Settlement Arrangement of April 15, 1948. For text of the latter, see *Foreign Relations*, 1948, volume IX, page 383.

611.35/5-150

Memorandum by the Secretary of State to the President

CONFIDENTIAL

[WASHINGTON,] May 1, 1950.

Subject: Effect in Brazil of Argentine Developments and Significance to Brazilian-American Relations of Possible Election of Vargas¹ to Presidency

[Here follows the portion of this memorandum printed on page 713.]

II. SIGNIFICANCE TO BRAZILIAN-AMERICAN RELATIONS IF FORMER PRESIDENT VARGAS IS REELECTED

Vargas has not as yet committed himself as a candidate for the presidency. Should he be elected, it would be through a democratic process on which the Army would insist. It seems probable that the Army and public opinion would prevent him from reestablishing a dictatorship such as existed prior to his overthrow in 1945. This would minimize unfavorable reaction to his election on the part of the American people.

In a talk with Mr. William Pawley, when the latter was Ambassador to Brazil, 1946-47, Vargas took pains to stress his basic friendship for

¹Getulio Dornelles Vargas, former President of Brazil.

the United States, emphasizing the role that he had played during the war when Brazil was an active participant.

Former President Vargas undoubtedly is the outstanding potential presidential candidate. He is an astute, clever and realistic politician. If he is elected, relations with the United States would probably not deteriorate. He at present advocates, possibly for reasons of domestic consumption, a socialistic and definitely nationalistic policy. If he becomes the next President he could be expected to follow such a line, which might run counter to the policies which we are attempting to propagate in the field of international trade.

Vargas undoubtedly would make aggressive and persistent claims upon the United States for financial and other types of assistance in recognition of Brazil's contribution during the recent war and the generally held opinion that Brazil has a right to the position as the leading South American country, the United States' "traditional ally", and has a right to look to the United States for the maintenance of this position.

[Here follows the portion of this memorandum printed on page 714.]

DEAN ACHESON

832.10/8-2350

*The Assistant Secretary of State for Inter-American Affairs (Miller)
to the Ambassador in Brazil (Johnson)*

CONFIDENTIAL

WASHINGTON, August 23, 1950.

DEAR HERSCHEL: I think that I should forewarn you about a forthcoming development in the Latin American lending field which will probably send the Brazilians scurrying back to the wailing wall from which the recent Volta Redonda loan¹ temporarily removed them. It now appears that arrangements have been concluded for the Export-Import Bank Board on August 31 to authorize the extension of a \$150 million credit to Mexico for general development purposes

¹ On July 20, 1950, the Export-Import Bank had authorized a credit of \$25 million to the government-owned Cia. Siderurgica Nacional for the financing of steel mill equipment at its plant at Volta Redonda. Regarding this plant, the Department's Policy Statement for Brazil of December 18, 1950, includes this statement under the heading "Strategic Materials":

"It has been anticipated that in the event of another major war, Brazil would most certainly demand as a *quid pro quo* for her essential materials some sort of guarantee from the United States for the supply of those minimum essential requirements necessary to the country's economy. With this in mind every possible encouragement has been given to Brazil's efforts to increase her productive capacity of these essential items, with particular attention given to steel. Substantial loans have been granted to the National Steel Company of Brazil by the Export-Import Bank for the development of the Volta Redonda steel plant and the situation has improved to the point where Brazil now supplies a large portion of the national demand for pig iron and other rough and semi-finished steel products. Production facilities for rolled sheets and finished forms are insufficient." (611.32/12-1850)

on the basis of specific project loans to be approved from time to time under the general credit.² Simultaneously the Bank may authorize a \$30 million loan under the credit for irrigation purposes. Both actions on the part of the Bank will be announced on September 1st by both Governments and, in the case of Mexico, will be announced in person by President Aleman in his State of the Nation address at the opening of the Mexican Congress.

Added to the \$125 million Argentine credit³ and the \$100 million loan to Australia⁴ announced yesterday by the International Bank, I am afraid that the Brazilians may be angrier than ever when they hear about the Mexican credit.

The Mexican credit has a long background involving a personal commitment from President Truman to President Aleman in regard to a petroleum loan which became all snarled up after the intervention of a Congressional committee which publicly promised Mexico a \$450 million loan for oil development which was, of course, fantastic. After the collapse last summer of the negotiations with Mexico for a smaller credit for refining, transportation and distribution, the proposed petroleum loan continued to hang over our relations with Mexico and cause considerable bitterness in some circles in both countries. The Department has never been enthusiastic about a loan to Mexico for any phase of its petroleum industry because of the embarrassing position that such a loan would put us in vis-à-vis countries such as Brazil and Chile, to whom we have denied loans for any phase of the petroleum industry, including refining.⁵ . . . I am naturally concerned about reactions to this in Brazil. It is, of course, useless for us to try to argue with Brazil that during the last two years they have received \$130 million in productive development loans from the International Bank and the Export-Import Bank, with excellent possibilities for another \$40 million in the next couple of months (\$31 million as Brazil's share of the American & Foreign Power expansion program, already approved by NAC and awaiting submission of necessary documentation to the Eximbank by the Company,⁶ and \$10 million of credits under the Minas Gerais application). Nevertheless I am trying hard to bring this fact to the attention of some writers in the United States, and I think it would be well if you could have some friendly newspapermen in

² For documentation on this loan, see pp. 936 ff.

³ For documentation on this loan, see pp. 691 ff.

⁴ For documentation on this loan, see vol. vi, pp. 189 ff.

⁵ With regard to petroleum, the Policy Statement cited in footnote 1 above includes under the heading "Strategic Materials", this statement:

"In the field of petroleum production we have rendered technical assistance where possible and should continue to try to convince the Brazilians that they should enact legislation which would provide a favorable atmosphere for the investment of foreign private capital in the field of petroleum exploration and development."

⁶ Action was not completed on any loans of the Export-Import Bank to the American and Foreign Power Company during 1950.

Brazil take cognizance of this fact in editorials. I do not believe that the average Brazilian has any conception of the magnitude of our effort to help Brazil largely because it has been dribbled out in relatively small quantities at a time so that there is no great dramatic figure such as \$150 million credit for Mexico.

Even more would have been done for Brazil recently if it were not for the existence of a jurisdictional dispute between the International Bank and the Eximbank. Gene Black⁷ claims that his institution is the chosen instrument for long-term development lending programs and that the Eximbank should, in the case of Brazil, confine itself to short-term financing directly related to trade promotion (which, he says, was the Bank's original objective) and continuation of programs which the Eximbank has already undertaken such as Volta Redonda and Rio Doce.⁸ This dispute flared up when the Eximbank asked the NAC for authority to consider the total Minas Gerais program of about \$40 million.⁹ The Treasury and NAC ruled in favor of the International Bank so that the Eximbank is going to do only two or three short-term projects under the Minas application and send the remainder of the program over to the International Bank. (I should add that the Department's feeling that the manganese application¹⁰ should go to Eximbank is based on the strategic character of this loan and our particular national interest in it. It will obviously be impossible ever to delimit exactly the respective functions of the two institutions.

With the atmosphere cleared to some extent as to the jurisdictional problem, Gene Black now seems anxious to go ahead to do a job with Brazil. I have talked with him at length recently and our talks culminated in a conversation which I had the night before last on the eve

⁷ Eugene R. Black, President of the International Bank for Reconstruction and Development.

⁸ The Export-Import Bank had on three occasions authorized credits to Companhia Vale do Rio Doce for the purchase of railway and mining equipment. At the time its latest authorization was one of February 19, 1947, in the amount of \$7.5 million.

⁹ No action on the application of the Brazilian State of Minas Gerais for loan funds to finance a diverse set of projects was completed during 1950 by either the Export-Import Bank or the IBRD. A detailed description of Minas Gerais projects is in NAC Staff Document 433, June 21, 1950, apparently written before the IBRD was assigned primary responsibility for them. Neither minutes of the NAC proper nor minutes of its Staff Committee indicate that the Minas Gerais applications received formal NAC consideration during 1950. (NAC Files, Lot 60 D 137)

¹⁰ By the end of 1950, the Export-Import Bank had under active consideration an application from the Brazilian associate of U.S. Steel to develop a manganese deposit at Urucum, while a Brazilian partner of Bethlehem Steel Company had submitted an application for \$35 million from the IBRD to aid in the exploitation of a deposit in the Province of Amapa. (Files 832.2547 and 832.10 for 1950)

A letter of November 1, 1950, to Mr. Miller from Ivan B. White, ARA's Economic Adviser, indicated in part that the United States had by then dropped its opposition to IBRD financing in the case of Amapa. (832.2547/11-150)

During 1950, U.S. access to monazite deposits was also under discussion between U.S. and Brazilian officials. Documentation is scheduled for publication in volume I.

of his departure for Paris to attend the Board of Governors meeting of the Bank and Fund. He says that he is bullish about Brazil's future and its ability to absorb capital investment and that he is prepared to tell the Brazilians that the Bank is ready to go ahead with them on a long-term development program. He may even be willing to announce a tentative figure of loans over a five-year period. He is also willing to help the Brazilians get up their projects. He authorized me to communicate all this to the Brazilians and I called in Nabuco¹¹ and told him all of this yesterday. He also said that he was planning to visit Brazil in October or November and would be prepared to talk turkey down there then.

It seems to me that it might be well for Shelly to discuss with Bulhoes and Gudín ways and means by which the Brazilians could prepare for Black's visit and present to him a sensible program when he gets there. I asked him whether he would be well [*willing?*] to announce a large loan to Brazil as in the case of the Australian announcement yesterday but he said that he doubted it since he did not think that they would be able to get up their development projects as effectively as the Australians, who apparently made an excellent presentation. As you know, one of the things that has held up the Minas application has been its rather skimpy character.

We are anxious to do everything possible to help Brazil and I think that Black's visit will give you all good opportunity to get started on the right foot.

Sincerely yours,

EDWARD G. MILLER, JR.

¹¹ Mauricio Nabuco, Ambassador of Brazil to the United States.

611.32/10-550

Memorandum by the Assistant Secretary of State for Inter-American Affairs (Miller) to the Acting Secretary of State (Webb)

CONFIDENTIAL

[WASHINGTON,] October 5, 1950.

Subject: Briefing Memorandum on United States-Brazilian Relations for Visit of Ambassador Nabuco to President Truman on October 9.

There is attached a memorandum for the President on United States-Brazilian relations and appended thereto a fuller exposition of those relations and of my recommendations.

I feel very strongly that the importance of our relations with Brazil is such that they warrant transmitting to the President the memorandum with the attached fuller exposition of the state of our relations. The Brazilian Foreign Minister¹ and the Ambassador have

¹ Raul Fernandes.

been increasingly disturbed for a period of several months and it is vital to our interests that a sympathetic and informed hearing be given to the Ambassador. For this purpose I am recommending that, if time permits, the President read the full exposition and the recommendations included therein.

[Attachment 1]

CONFIDENTIAL

MEMORANDUM FOR THE PRESIDENT

Subject: Appointment with Brazilian Ambassador

The Brazilian Ambassador has an appointment at his request to see you on October 9. The purpose of his visit is to discuss the state of relations between Brazil and the United States. We believe that very much good can come from your seeing the Ambassador and giving him a sympathetic hearing as he feels that the state of relations between the two countries has deteriorated to an alarming extent. While the Department does not concur in his view, it is the view of many Brazilians, including people prominent in Government and political circles, and it is shared by some Americans. The Ambassador also doubtless reflects the feelings of Foreign Minister Raul Fernandez who has been critical of the United States in recent months although continuing to give us excellent support in fundamental long-range problems such as the UN and procurement of strategic materials. Ambassador Nabuco is proud of his record of friendship with the United States which dates back to the time when his distinguished father² was the first Brazilian Ambassador to the United States. The Foreign Minister also has a long-standing record of friendship for the United States.

There is attached a full exposition of current United States-Brazilian relations which, if time permits, we recommend strongly that you read. The exposition includes a statement of recommendations enlarging upon those below.

BACKGROUND

Briefly, the Brazilians complain that we have failed to give them sufficient financial assistance; that their role as the only Latin American country to send ground troops to Europe in World War II has not been sufficiently recognized; that Brazil is being neglected at a time when the United States is pouring money into Europe and Africa; and that the United States is seriously endangering its historical and traditional friendship with Brazil by taking its friendship

² Joaquim Nabuco.

for granted without, at the same time, paying due heed to Brazil's legitimate interests.

The Department is fully aware of the Brazilian complaints and is taking all possible steps to correct misunderstandings and to assure the Brazilians of our desire to maintain and strengthen close relations.

RECOMMENDATIONS

It is recommended that you receive Ambassador Nabuco in the company of the Under Secretary of State³ and that you give him a thoroughly sympathetic hearing but that no commitments be made.

It is further recommended that you express to the Brazilian Ambassador our serious concern that relations between Brazil and the United States should be maintained on the traditional basis of friendship and good will. You should also stress that the United States has a special interest in relations with Brazil and that Brazil will always occupy a unique position in our foreign policy⁴ and in the personal affections and feelings of our citizens; that we are profoundly aware of Brazil's great contributions during the last war and of its support of our position in the UN; and that we view with great satisfaction the progress that has been made along democratic lines in Brazil during the regime of President Dutra. It would also be well to express your personal appreciation for the contribution towards friendship between the United States and Brazil made by President Dutra, Foreign Minister Raul Fernandes, and Ambassador Nabuco.

[Attachment 2]

CONFIDENTIAL

UNITED STATES-BRAZILIAN RELATIONS

BACKGROUND

The Brazilian Ambassador has expressed the view over the last several months that United States-Brazilian relations have deteriorated to an alarming extent. While the Department does not concur in this view, there is no question that it is the view of many Brazilians, including people who are prominent in government and political circles in Brazil. It is also shared by some Americans. It is a view that must be faced frankly and dealt with on a constructive basis. Ambassador Nabuco is proud of his record of friendship with the United

³ James E. Webb.

⁴ The section headed "Policies" in the Policy Statement for Brazil, December 18, 1950, reads in part: "It is a policy of the United States to encourage and support all appropriate Brazilian efforts to improve that country's international position and prestige in the United Nations; to continue to encourage the development of constitutional, democratic government in Brazil; and to maintain Brazil as the keystone of our over-all Latin American policy." (611.32/12-1850)

States which dates back to the time when his distinguished father was the first Brazilian Ambassador to the United States.

The following are some of the factors which are of importance in shaping the attitude of Ambassador Nabuco and other Brazilian leaders:

1. *Financial Assistance:*

The Brazilians feel that they have not been given sufficient attention in this regard. The record shows that since January 1, 1949 loans amounting to \$140 million have been extended to Brazil by the Export-Import Bank and, with our full support, by the International Bank. Other Brazilian projects are in an advanced stage of consideration. Nevertheless, the Brazilians feel that they have not been given adequate treatment. There is much to be said on both sides. In particular, Ambassador Nabuco because of his political connections in Brazil, has been interested in the application filed with the Eximbank in 1949 by the State of Minas Gerais with regard to an \$80 million development project. After over a year of consideration in the Eximbank, it was finally determined in the NAC that the application should be referred in large part to the International Bank. There is no question that the Minas Gerais application was inadequately drawn up and has not been aggressively pursued by the Brazilians. Also they did not consult with the Department of State in the first instance as to whether the application should go to the Eximbank or the International Bank. Nevertheless, the fact is that much too much time has been spent without coming to a conclusion on this issue. At the same time, the Brazilians have seen the relatively rapid conclusion of the Argentine and Mexican loan negotiations and they cannot understand why the Minas Gerais application should after a year be referred to the International Bank when the Eximbank announced a large credit for general development purposes to Mexico.

As much as we may disagree with the thesis that our friendship for Brazil should be measured in terms of dollars and inadequate though the work of the Brazilian Government has been with regard to presenting applications for loans—certainly as compared to Chile and Mexico—this is nevertheless an important problem and the Department of State has certain constructive recommendations about dealing with it as outlined below.

2. *Personality of the Foreign Minister:*

An important element in the picture between Brazil and the United States is the personality of Dr. Raul Fernandes, the Brazilian Foreign Minister. Dr. Fernandes is a man of enormous prestige in Brazil with the reputation of being outstandingly pro-American. He is greatly admired by Dutra⁵ and in the event of the election of Dr. Christiano

⁵ Eurico Gaspar Dutra, President of Brazil.

Machado, the Presidential candidate of the Government party in the elections just held, Fernandes might continue as Foreign Minister. Dr. Fernandes has tended recently to be increasingly bitter towards the United States primarily in regard to the question of financial assistance. While Mr. Miller and Mr. Kennan were in Brazil in March ⁶ this was virtually the sole topic of Dr. Fernandes' discussion with them. At the same time, Dr. Fernandes did not make any specific suggestions as to what should be done nor did he show understanding of the importance of Brazilian initiative and planning in regard to assistance for economic development requested of the United States. Dr. Fernandes showed an unrealistic concept of the nature of assistance which the United States might lend to Brazil when, during Mr. Miller's visit to Brazil, he rejected with contempt any suggestion of loans, feeling that the United States should put its aid to Brazil on a grant basis. Dr. Fernandes' attitude in his dealings with Ambassador Johnson has evinced a critical view of our policies with regard to Brazil. He has, however, been understanding and cooperative in matters relating to the international position and obligations of the United States. Because of his prestige in Brazil, the possibility of his continuation in office and his undoubted friendship for the United States, his attitude is one which must be faced.

3. *ECA Activities:*

Thinking Brazilians appreciate the objectives of the ECA program in Europe but view with great concern the extension of ECA operations to underdeveloped areas in Africa and Asia. They fear that our aid would lead to the stimulation of economic activities, particularly in the agricultural field in Africa, which will be competitive with Brazil. While we have endeavored to put the record straight on this subject, we have not been able to overcome suspicion of our objectives. An increase of ECA activity in the underdeveloped areas of Africa and Asia will create increased problems in our relations with Brazil. The Department's proposal to extend assistance to South East Asia on a grant-in-aid basis, however justifiable it may be from the standpoint of our relations with that area, will greatly magnify the problem.

4. *Military Assistance:*

Brazil feels that since the war it has been treated as a stepchild in regard to military assistance as well as financial assistance. Brazilians are extremely proud of the fact that theirs was the only country in Latin America which sent ground forces abroad in World War II. One of the reasons why that division was sent abroad is because of Brazil's aspirations to be looked upon and treated by us as a great power.

⁶ George F. Kennan was Counselor of the Department of State at the time he and Mr. Miller participated in the Conference of U.S. Chiefs of Mission (in South America), held at Rio de Janeiro, March 6 through March 9, 1950.

Nevertheless, since the end of the war they do not feel that we have given them enough arms. In fact, the exclusion of Latin America from the military assistance program ⁷ is a sore in the side of Brazil.

5. *Gillette Report:*

The investigation of coffee prices by the Gillette Subcommittee ⁸ of the Senate Committee on Agriculture and Forestry and the report issued by that committee has caused intense indignation in Brazil and is resented deeply and bitterly, and with good reason, by the Brazilian Government and people. The fact that Senator Lucas, the Majority Leader, formed a part of the subcommittee makes it look to the Brazilians like an Administration document and it is extremely difficult to explain to them that Senator Lucas' participation was a formal one. The fact that Assistant Secretary Miller appeared before the committee in June ⁹ to object to many features of the report, including outrageous references to Brazil, alleviated the situation to some extent, but the fact that the full committee ultimately adopted a revised report ¹⁰ by a unanimous vote undid much of the good that had been done by the State Department's position. Even though the final report contains no recommendations which will be harmful to Brazil, the Gillette Subcommittee has become symbolic in the minds of the Brazilians as an official group in this country which is against coffee as such and therefore against Brazil.

6. *Election Campaign:*

An important factor in the development of the present state of mind in the Brazilian Government has been that the country has been in an election campaign for the last year. The Dutra administration, although it has faithfully and courageously observed constitutional democratic processes, has not been aggressive or effective in developing a program for obtaining United States assistance for the implementation of economic development schemes. Preoccupation with the election campaign has had the indirect effect of virtually paralyzing many of our discussions with Brazil. Furthermore, the inability of the two more conservative parties, the UDN and the PSD, to unite on a coalition candidate has caused a feeling of frustration on the part of Brazilians of those parties, including, of course, the Foreign Minister and the Ambassador. It is presently impossible to

⁷ Documentation on U.S. policy regarding the military assistance program in Latin America is scheduled for publication in volume I.

⁸ Guy M. Gillette of Iowa was Chairman of the Subcommittee on the Utilization of Farm Crops.

⁹ Text of Mr. Miller's remarks of June 20 before the full committee is printed in the Department of State *Bulletin*, July 24, 1950, p. 140.

¹⁰ U.S. Congress, Senate, Committee on Agriculture and Forestry, *Price Spreads in Coffee*, Senate Report No. 2377, 81st Cong., 2d sess. (Washington, Government Printing Office, 1950). The revised report was issued August 23, 1950; text of the Secretary's press release of that day is printed in the Department of State *Bulletin*, September 4, 1950, p. 388.

predict who will win the presidency but it should be added that, in the opinion of the Department, U.S.-Brazilian relations would not be adversely affected by the return of Getulio Vargas from whom we received outstanding cooperation during World War II even at a period in 1941 when things looked extremely black for the allies and he personally took the decision to give us air bases on Brazilian territory. The Department believes that much of the writing in the American press about Vargas and his alleged enmity towards the United States has been inspired by political opponents of Vargas. The Department also believes that if Vargas should win he will take office despite his unpopularity with a substantial part of the Army, and it is also felt that precisely because of the Army's pride in democratic progress in recent years Vargas would, if elected, be unable and unwilling to reestablish a dictatorship. The election was held on October 3 and the results should be known within a few days. It may be anticipated that with the election over it will be possible for us to make more progress in working out our mutual problems.

7. *Status of Treaty Talks:*

None of the proposed treaties referred to in the joint statement¹¹ of the Presidents of the United States and of Brazil released during the visit to the United States of President Dutra has been concluded. The following is the status of proposed treaties: a Cultural Convention should be ready for signature within a few weeks; the Brazilians are holding back on a draft of a Treaty of Friendship, Commerce and Economic Development; further discussion of a Joint Guaranty Fund has been held up pending discussion in the Congress of the investment guaranty provisions of the Point IV program; and the Department is hoping to make arrangements for a Treasury representative to visit Brazil soon to discuss matters relating to a Double Taxation Treaty. The Brazilians attach special importance to the two latter treaties, while we would prefer to have the FCED Treaty concluded first.¹²

8. *Psychological Factors:*

Overriding every other factor in U.S.-Brazilian relations is the psychological factor. Brazil has always aspired to a special position in U.S. foreign policy and it feels that it has earned this special position through its undeviating record of friendship for the United States. Many Brazilians feel that, particularly since the war, we have not accorded a special position to Brazil. They resent our preoccupation with Europe and Africa and our alleged concurrent neglect of Brazil. They harbor suspicions that we are deliberately supporting

¹¹ For the text of the joint statement, see the Department of State *Bulletin*, May 29, 1949, p. 694.

¹² For information concerning the various proposed agreements, see statement on prospective treaties under discussion with Brazil, p. 772.

European colonial powers whose tropical territories are potential competitors of Brazil. Paradoxically, Brazilians also view our Latin American policy with considerable distaste as they feel that we tend to think in Pan American terms, putting Brazil on the same plane with the rest of Latin America. Thus, even though Brazil has been a faithful participant in OAS activities, they object to the "leveling" process that is an inevitable concomitant to the structure provided for in the Rio and Bogotá treaties. This psychological factor poses us an insoluble dilemma.

RECOMMENDATIONS

It is recommended that you receive Ambassador Nabuco in the company of the Under Secretary of State and that you endeavor to make the following points during the conversation:

1. That you express to the Brazilian Ambassador our serious concern that relations between Brazil and the United States should be maintained on the traditional basis of friendship and good will between the two countries. You should also stress that the United States has a special interest in relations with Brazil and that Brazil will always occupy a unique position in our foreign policy and in the personal affections and feelings of our citizens; that we are profoundly aware of Brazil's great contributions during the last war and of its support of our position in the UN, and that we view with great satisfaction the progress that has been made along democratic lines in Brazil during the regime of President Dutra. It would also be well for you to express recognition of Ambassador Nabuco's own personal contribution towards friendship between the U.S. and Brazil.

2. You should point out that the Administration's attitude toward the Gillette Report was made clear in the public statements of Secretary Acheson and Assistant Secretary Miller.

3. You should strongly urge that the most constructive approach to the whole situation would be to let bygones be bygones and concentrate on working out a positive future program of cooperation. Some of the points which the Department has been considering and which could be mentioned are as follows:

- a) The sending of a strong mission to Brazil on January 3, 1951 to attend the inauguration of the new President, whoever he may be. It is suggested that consideration be given to requesting Secretary Sawyer as well as Assistant Secretary Miller and appropriate military representation. A separate memorandum on this matter will be furnished you prior to the inauguration.¹³

- b) The Department is giving attention to the problem of Brazil's military requirements.

- c) The Department is now trying to make arrangements for a long-range program of economic cooperation with Brazil. While we have very serious reservations over an apparent

¹³ The official delegation to President Vargas' inauguration on January 31, 1951 was led by Herschel V. Johnson as Chief of Delegation and Special Ambassador. Nelson A. Rockefeller was also a Special Ambassador, and the U.S. Senate and House of Representatives were each represented by two members.

tendency on the part of some Brazilians to measure the degree of our friendship according to the amount of loans which we extend, there is no doubt that in our own self-interest we could show Brazil the way to working out a more positive and dynamic program of development. Before Brazil can move forward in this direction, however, it is essential that they know what we are prepared to do for and with them. As a first step we are now discussing with Brazil the creation of the first Joint Commission for Economic Development provided for in Section 410 of the Act for International Development.¹⁴ It will be the function of this commission to go into means of implementing Brazil's economic development program. However, before that can be done it is essential that the National Advisory Council make some determination of Brazil's borrowing capacity over a five-year period and allocate the amount so determined as between the International Bank and the Eximbank. Doubt as to the respective functions of these two agencies has caused some confusion and has undoubtedly slowed up development activities in Brazil. The International Bank has informally advised Brazil of its willingness to move forward with a substantial investment program over the next few years, but the Bank has had doubts over moving ahead until it knows what the role of the Eximbank is going to be in relation to Brazil. We plan to discuss with Secretary Snyder at an early date the necessity of proceeding with plans along this line. In this connection it is of interest that both Mr. Eugene Black of the International Bank and Mr. Lynn Stambaugh of the Eximbank¹⁵ are planning to make visits to Brazil in the near future.

4. Finally, we believe it would be most fitting if you would state to Ambassador Nabuco your own pleasure over the satisfactory evolution of Brazil along democratic lines and your esteem for President Dutra, Foreign Minister Fernandes, and the Ambassador.

¹⁴ Approved June 5, 1950. 61 Stat. 204.

¹⁵ Mr. Stambaugh was a Director of the Export-Import Bank.

611.32/10-650

*Memorandum by the Officer in Charge of Brazilian Affairs (Kidder)
to the Acting Secretary of State (Webb)*

CONFIDENTIAL

[WASHINGTON,] October 6, 1950.

With reference to numbered paragraph 7, "Status of the Treaty Talks", in the attachment ¹ to the Memorandum for the President, on his appointment with the Brazilian Ambassador (a copy of which is appended hereto), I am submitting to you the attached statement on

¹ *Supra.*

the four prospective treaties and conventions which we wish to conclude with Brazil.

[Attachment]

STATEMENT ON PROSPECTIVE TREATIES
UNDER DISCUSSION WITH BRAZIL

The Joint Statement of Presidents Truman and Dutra released on May 21, 1949 envisaged

- 1) an appropriate treaty to stimulate the mutually beneficial flow of private investment,
- 2) a cultural convention, and
- 3) a convention between the two countries which would have as an objective the elimination of many of the factors that result in double taxation.

A further agreement, a *Joint Guarantee Fund* scheme, was subsequently proposed by the Brazilians.

A brief discussion of these four proposed agreements with Brazil follows:

1. *Treaty of Friendship, Commerce, and Economic Development*

The proposal for an FCED Treaty was initiated by us as the result of the Joint Statement by the Presidents which actually presumed what might be described as an investment treaty rather than the longer inclusive form of treaty. We have submitted a draft to the Brazilian Government which has made counter-proposals so far only on those chapters which pertain principally to finance and investment conditions. The Brazilians appear to be deliberately hanging back on further discussion of this treaty as their primary interest is in concluding first the two treaties which are described in paragraphs 2 and 3 below. It may be added that the objection of Foreign Minister Fernandes to the more or less standard expropriation clause in the treaty, a clause which he states is covered by the Brazilian Constitution, has also held up informal negotiations.²

2. *Double Taxation Treaty*

Apart from a Brazilian memorandum on this subject, the matter has not even been discussed informally with the Brazilians. The Department has obtained the approval of the Secretary of the Treasury to send a tax mission to Brazil to explore with Brazilian technicians

² This treaty was not signed. Further negotiations on it did not take place during 1950.

possible bases for a tax treaty between the two countries. The Department hopes that arrangements for the Treasury mission to go to Brazil may shortly be finalized. The Brazilians appreciate that their desire that United States capital invested in Brazil be subject only to income charges at the source of profit and remittances to the United States to be thereafter tax free involves a radical departure from our present tax theory.³

3. *Joint Guarantee Fund*

The plan, independent of any suggestions contained in the Joint Presidential Statement, proposes a *Joint Guarantee Fund* half of which will be contributed by the Bank of Brazil, the other half to come from the Export-Import Bank in the form of an open line of credit. The original amount of the Fund would presumably be calculated upon the normal two-year service of established American dollar investments in Brazil. In the future as additional dollar investments are made in Brazil, both parties to the agreement would increase their contributions to the Fund. Full participation by the Export-Import Bank is anticipated for a period of five years and after this time it is presumed that the Export-Import Bank would progressively withdraw its support and, at the expiration of 10 years, the Fund would stand as an entirely Brazilian instrument, completely supported and maintained by the Bank of Brazil. A number of very informal exploratory conversations were held with Brazilian representatives but they were suspended so we could judge possible congressional reaction on a basis of discussion of the investment guarantee provisions of the Point IV program.

4. *Cultural Convention*

Agreement with the Brazilians has been reached on the text of a Cultural Convention of the standard type design to encourage and stimulate cultural exchange. The text is now being embossed and it is hoped that arrangements for signature in the near future here in Washington can be made shortly.⁴

³The two countries did not reach agreement on this taxation treaty. According to a memorandum of conversation of September 5, 1950, by Mr. Kidder, one main obstacle to agreement was the opposition of the U.S. Treasury Department to the provisions mentioned here. (611.3292/9-550)

⁴The Department's press release of October 17, 1950, regarding the Cultural Convention between Brazil and the United States signed in Washington the same day, is printed in the Department of State *Bulletin*, October 30, 1950, p. 696. Printed with the release are the text of the Convention and statements of October 17 by Ambassador Nabuco and Secretary Acheson. Neither country ratified the Convention. File 511.32 for 1953 contains documentation concerning the circumstances of its withdrawal by the United States.

611.32/10-950

Memorandum of Conversation, by the Secretary of State

SECRET

[WASHINGTON,] October 9, 1950.

Subject: US Relations with Brazil

Participants: The Ambassador of Brazil, Mr. Mauricio Nabuco
The President
The Secretary of State

This meeting was held at the Ambassador's request and was attended by the Ambassador, the President and the Secretary of State.

The Ambassador, after expressing his gratification over the events in Korea and giving the President the latest returns from the election in Brazil, raised three points. These points, he said, related to the Ambassador's concern about relations between the US and Brazil which were not at the high point which he believed should be their normal condition. These three points which he mentioned were said by him to be the principal sources of difficulty.

The Senate Committee Report on Coffee. The Ambassador related the story of the sub-Committee report and of the subsequent action of the full Committee, including Senator Lucas, in supporting the sub-Committee's criticism of Brazil and the coffee countries. He said that the report contained what amounted to a declaration of economic warfare on Brazil in urging that no loans should be made to Brazil and that loans should be made to other countries which were competitors of Brazil.

I pointed out that the Sub-Committee had made its report without going over the matter with the Department as it had promised to do and brought to the attention of the President and the Ambassador the strong statements made by Assistant Secretary Miller before the Committee. The Ambassador expressed his appreciation of the Department's action but went on to say that he was afraid that the next step might be action of the Senate as a whole on legislation which would further complicate the matter. The President assured the Ambassador that no action could be taken by the Congress except with the President's approval and that he would not approve any action of the type described by the Ambassador. The President stressed the fact that this Government had always had and had now a unique and special relationship with Brazil and that Mr. Truman, who shared that attitude fully, could reassure the Ambassador that nothing detrimental to Brazil was going to be done. The Ambassador expressed his thanks.

The Two Cruisers. The Ambassador said that some time ago it had been agreed between the two Governments that the US was to sell two cruisers to Brazil and that Brazil had transmitted the money here to pay for them. However, the matter had run into difficulty and

no progress was being made. President Dutra was most eager that the transfer be made while he was in office, which would be until the end of January 1951. The President asked me what the difficulty was and I replied that I had not known of any difficulty but that the matter would be immediately investigated and a full report made to the President. The President requested that the transaction should go through as planned and he would like to have a report on the matter as soon as possible.¹

Loans to Brazil. The Ambassador said that in the last few years Brazil had been able to get loans of \$140 million from the US, but that of late all sorts of difficulties seemed to have arisen and no progress had been made. He said he was sure some of the difficulty was on the side of Brazil but he could not believe that it was all there. He spoke of the fact that both Argentina and Mexico had within the short space of one month been able to negotiate loans in both cases of \$150 million. It was pointed out that Brazil had been criticized for not preparing adequate plans and submissions and had replied that if a line of credit were opened so that it could finance the preparation of plans it would be greatly aided. This, however, had been impossible in the case of Brazil, whereas it was the procedure followed in the case of Mexico. I said that the course of the Brazilian negotiations had been both baffling and exasperating from the Brazilian point of view due to apparent changes of view as to whether the Brazilians should go to the Export-Import Bank or the International Bank.

The President told the Ambassador he would take a personal interest in their problems and asked him to resubmit his requests. The President asked me to keep him advised on these matters. The President hopes that progress can be made very speedily with these applications.

Will the Department advise me as to the next steps which we should take.

D[EAN] A[CHESON]

¹ Documentation on U.S. policy regarding the sale of naval vessels to the American Republics is scheduled for publication in volume I.

832.10/10-1950

Memorandum of Conversation, by the Secretary of State

SECRET

[WASHINGTON,] October 19, 1950.

Subject: Financial Aid for Development Projects in Brazil

Participants: Secretary of State Acheson
Assistant Secretary of State Miller
ARA/E—Mr. Ivan White
ARA: OSA—Mr. Randolph Kidder

Mr. Miller referred to that part of Ambassador Nabuco's conversation on October 9 with President Truman and me which relates to loans to Brazil. Mr. Miller explained that he wished to discuss related matters with me and asked if I could enlarge on what I had written in my Memorandum of Conversation. I stated that, in addition to what appears in the Memorandum of Conversation, the Ambassador had done little except make a general complaint regarding the treatment allegedly received by Brazil and the difficulties incurred in attempting to get a loan for Minas Gerais.

Mr. Miller outlined the difficulties, including those relating to the question of Bank jurisdiction, which have been experienced with the application for the Minas loan. The jurisdictional problem arising from the confusion as to the exact spheres of operation of the Export-Import Bank and the International Bank is one which must be cleared up and on which Mr. Miller asked my assistance. He informed me that last night he talked at some length with Mr. Black, President of the International Bank, and that Mr. Black had expressed his willingness to make available to the Brazilian Government credits up to \$250 million to be used for development over a period of five years, or for a shorter period should it be possible to make use of the funds in such shorter period. He was prepared, under certain conditions, to make a public announcement to this effect.

Mr. Miller outlined the current status of plans for a Joint Economic Development Commission in Brazil (under authority of Section 410 of the Act of International Development) and said that Mr. Black is willing to assign a representative to Brazil who would participate in the Joint Commission. Mr. White explained that under the Act representatives of international organizations may participate in such commission when requested by both participants, and that such a joint organization could be very helpful to Brazil in the preparation of projects and in the determination of priorities. The main difficulty in connection with Mr. Black's proposal to aid Brazil is that he is unwilling to act unless the sphere of activity of the Export-Import Bank is limited and defined to his satisfaction and the amount of dollar indebtedness to be incurred kept within set limits. Mr. Black believes that as Brazil is a member of the International Bank, the development field in that country should devolve on his Bank.

A copy of telegram #267 of October 18 to Embassy Rio on the coming visit to Brazil of an Export-Import Bank Mission headed by Mr. Stambaugh was shown to me and the open-end nature of num-

bered paragraph 4¹ was discussed. Mr. Miller commented that it is essential to clarify jurisdictional issues between the two Banks before the Mission goes to Brazil.²

Mr. White explained that there is a limited but important field for future ExImBank activity, consisting of additional credits to such current clients as the Rio Doce and Central do Brasil³ and for projects in the direct U.S. national interest, such as the Urucum manganese proposal. These ExImBank type projects should not total more than \$100 million, making a combined investment program for the two banks of about \$350 million over a 4 or 5 year period.

Mr. Miller informed me that he had discussed the problem of the jurisdiction of the two Banks with Assistant Secretary of the Treasury Martin both before and after Mr. Martin's recent trip to Europe but that Martin did not believe that the stage for discussion of the jurisdictional problem would be reached—Mr. Martin had expressed doubts on the advisability of development projects during the emergency. I inquired whether settlement of jurisdictional questions in Brazil would mean a direct conflict with the Export-Import Bank on whose cooperation the Department must depend in other areas of the world. Mr. Miller answered by stating that if I would discuss the matter with Secretary Snyder⁴ and Assistant Secretary Martin, the settlement of the jurisdictional question might perhaps be undertaken by Secretary Snyder. I agreed to discuss the matter with Messrs. Snyder and Martin and said that I would inform the President, when I see him this afternoon, of developments with regard to loans to Brazil and of Mr. Miller's program. I emphasized that it would assist me greatly with the President if I could explain to the latter that Brazil's loan problems and the Joint Economic Development Commission are tied in closely with the Point IV Program and that the solution of outstanding difficulties would help greatly in making the Point IV Program a success in Brazil. That program is very close to the heart of the President. Mr. Miller said that a memorandum would be prepared for me.⁵

¹ This paragraph indicated the intention of the Mission to discuss, in addition to specific projects mentioned previously in telegram 267, any matters which the Brazilians might bring up, including plans for economic development and the financing thereof. (103.02-XMB/9-1250)

² The Mission was in Brazil from November 1 to November 19, 1950. A resume of its activities there is contained in despatch No. 810 from Rio de Janeiro, November 30, 1950, not printed. (103-XMB/11-3050)

³ On February 12, 1945, the Export-Import Bank had authorized a credit of \$4.5 million dollars to the Central Railways of Brazil for purchase of electrical equipment.

⁴ John W. Snyder, Secretary of the Treasury.

⁵ See footnote 4, p. 780.

Mr. White, in reply to my question, said that the \$350 million program included only projects essential to the development of Brazil's economy or to the U.S. defense program. Non-essential items had been eliminated from consideration.⁶

* In his memorandum of that part of his meeting of October 19 with the President which was devoted to Brazilian matters, the Secretary reported in part: "I referred to the loan situation and outlined to the President the possibilities of very constructive work along the lines outlined to me this morning by Mr. Miller. The President was particularly pleased about the use which would be made of the Point Four legislation and urged me to talk with Secretary Snyder about defining the fields of the World Bank and Export Import Bank. He said if there was trouble in getting this worked out, we could come to him for help. He thought the suggestion as put forward by Mr. Miller was an eminently good and workable one. Accordingly, I shall take this up with Secretary Snyder as soon as I have the memorandum from Mr. Miller." (832.10/10-1950)

398.14/10-3050

Memorandum by the Assistant Secretary of State for Inter-American Affairs (Miller) to the Secretary of State

CONFIDENTIAL

[WASHINGTON,] October 30, 1950.

In connection with my memo to you on Brazil,¹ I attach a memorandum which was given to me this morning by Messrs. Black, Garner,² and Anderson of the International Bank. This is the most encouraging thing that has ever come out of the International Bank in relation to Latin America and makes it imperative that we try to get there promptly. You will appreciate that the memorandum is tentative in so far as concerns the statements of the Department's position. I have informed Mr. Black that you will discuss this matter with Secretary Snyder or discuss it in a Cabinet meeting with the objective of having Secretary Snyder take this up in the NAC. It seems to me that this is important in view of Mr. Black's proposal to put this matter up to the Board of his Bank in which event it would be necessary for the U.S. Executive Director to be instructed by the NAC. As to the details of the respective roles to be played in Brazil by the International Bank and the Eximbank, this should be negotiated out between the International Bank and the Eximbank under the auspices of Secretary Snyder and Mr. Martin prior to final action by the NAC.

Mr. Black also confirmed this morning that he is prepared to assign a full-time officer to Brazil to maintain close liaison with the proposed Joint Commission.³ Under these circumstances, if we can

¹ See footnote 4, below.

² Robert L. Garner, Vice President of the IBRD.

³ Text of the Agreement Relating to Technical Cooperation, which entered into force by an exchange of notes at Rio de Janeiro on December 19, 1950, is printed

reach agreement on the program outlined in the attached memorandum, we will have the basis for a really effective implementation of Point IV in Brazil and make it a model for all other countries in Latin America. We have been working towards this end since July 1949 and we need now just one push from you to put this across.

[Annex]

MEMORANDUM

Representatives of the Department of State and the International Bank for Reconstruction and Development, in the interests of assuring a substantial contribution to the development of Brazil through provision of foreign capital, have discussed means of avoiding conflicts between the activities of the International Bank and United States agencies which might make the contributions of the International Bank and of the proposed Brazilian-American joint commission less effective. They have arrived at the following general understanding:

1. Assuming that Brazil is willing to accept the International Bank as its investment banker, the International Bank is able and willing to make loans for sound developmental projects in Brazil to the extent of Brazil's capacity to service those loans. The International Bank believes that the amount of loans which it would be prepared to make to Brazil over, say, the next five years would be in the magnitude of about \$250,000,000.

The \$250,000,000 figure is not to be considered as a firm commitment on the part of the International Bank but as an expression of the Bank's present intentions which would, naturally, be subject to adjustment in the light of any material changes affecting the Brazilian situation. On the other hand, it is not to be taken as the International Bank's estimate of the maximum external debt which Brazil can bear, but rather as a working figure which can be used by Brazil and the International Bank for planning purposes.

2. The International Bank, subject to approval of its Executive Directors, is prepared to make an official statement to Brazil along the lines of paragraph 1 and to make its statement public.

3. The State Department recognizes the position of the International Bank as the investment banker for Brazil, that is, as the primary source of foreign loan capital (exclusive of that obtained directly from private investors) for development purposes. The State

In United States Treaties and Other International Agreements (UST), vol. 2 (pt. 1), p. 845. Text of a subsidiary Agreement that created a Joint Commission for Economic Development, effected by an exchange of notes in Rio on October 21 and December 19, 1950, and in force from the latter date, is included *ibid.*, pp. 864-871. The Department's press release of December 21, 1950, regarding these agreements, is printed in the Department of State *Bulletin*, January 1, 1951, p. 25. File 832.00 TA for 1950 has detailed information respecting the negotiation of the agreements.

Department also recognizes that if the International Bank is to proceed vigorously with the program outlined in paragraph 1, it must be assured that loans by United States agencies will not interfere with consistent development planning, make the International Bank's program less effective or impair Brazil's ability to service its external debt, including the debt foreseen in the International Bank's lending program as well as existing debt. Accordingly, the State Department will seek a decision from the National Advisory Council that loans for projects in Brazil from United States agencies will be limited to (a) projects which are such integral parts of projects previously financed by loans from them as to be clearly inappropriate for the International Bank to undertake and (b) projects which the International Bank is unable to finance and to which the United States Government attaches special strategic importance.

The decision will be implemented by an agreement between the International Bank and the United States representatives as to which projects presently being considered fall within category (a) and the maximum amount of projects to be financed within that category. It is assumed that this maximum will be moderate, since otherwise the scope of the International Bank program would have to be reduced to a point that would not be appealing to Brazil.⁴

The decision will also contain assurances that in financing projects falling within category (b), unless the projects are self-liquidating in terms of direct foreign exchange benefits, the United States Government will finance them in such manner as will not adversely affect Brazil's ability to service its other external debt.

⁴In his memorandum of October 26, 1950, to the Secretary, not printed, Mr. Miller had advanced proposals similar to those above. Additionally, he had suggested limitation of Export-Import Bank loans to Brazil, within the two mentioned categories, to a dollar amount of \$100 million over the period 1951-1954. (832.10/10-2650)

Editorial Note

The memorandum attached to Mr. Miller's memorandum to the Secretary of October 30, *supra*, was later recast by the IBRD into the form of a proposal of the IBRD to the NAC rather than an agreement between the IBRD and the State Department. The State and Treasury Departments jointly suggested this revision, in which the substance of the IBRD proposals regarding loan policy towards Brazil remained unchanged.

On November 17 the Export-Import Bank, to which the revised proposal had been passed for informal review, stated that the NAC, in confining Brazilian loans of the Export-Import Bank to two strictly limited categories, would renounce rights and responsibilities conferred upon United States agencies by law and restrict the foreign financial and diplomatic powers of the United States. The Bank further expressed the hope that the proposal would not formally be submitted to the NAC.

Documentation is contained in file 398.14 for November 1950 and in NAC Document No. 1078, December 12, 1950, Lot 60 D 137.

398.14/12-1350

Memorandum by the Director of the Office of Financial and Development Policy (Stinebower) to the Assistant Secretary of State for Economic Affairs (Thorp)

SECRET

[WASHINGTON,] December 13, 1950.

Subject: IBRD Bid for Monopolistic Lending Position

This file of papers¹ is of course completely dated by the events that have occurred in the last six weeks. Nevertheless, I think that the last sentence on the top memorandum is still an urgent necessity—namely, that the Secretary should himself have a firm conversation with Mr. Black indicating that we expect the IBRD to continue to do a significant volume of business, to speed up its procedures, and at the same time, forget any nonsense about carving out a role as an exclusive chosen instrument.

Of course the situation has become somewhat more complicated in the intervening weeks by virtue of the fact that the Secretary and Mr. Snyder did agree at a meeting with the President² to try to work something out along the lines of Mr. Black's first memorandum on Brazil. Mr. Gaston's strong reaction has changed the picture on that particular proposal,³ and I believe that you should now try to persuade the Secretary to begin *de novo* along the lines suggested above.

¹ Attachments included a number of documents whose content is touched on in part in the editorial note, *supra*.

² No record of such a meeting has been found in Department of State files. Mr. Stinebower perhaps telescoped Secretary Acheson's meeting of October 19 with the President (footnote 6, p. 778) with a talk between Messrs. Acheson, Snyder, Martin, and Miller recorded in the latter's memorandum of November 3 to the Secretary, not printed. (398.14/11-350) Note the wording of the quotation in the following footnote.

³ In a memorandum of January 24, 1951, to the Secretary, Mr. Miller said in part:

"Some time ago you talked to the President about the problem of economic development in Brazil, and you and I later talked to Secretary Snyder and Bill Martin about the proposal of the International Bank to announce a \$250,000,000 investment program in Brazil, provided that there be a limitation of the Export-Import Bank's lending activities in Brazil. Nothing has come of this proposal because of (1) the failure within the government to resolve the jurisdictional problem between the two Banks, and (2) the feeling in Treasury that we should make no long-term commitments about development because of actual or pending shortages of materials in this country." (832.10/1-2451)

The proposals of the IBRD relative to Brazil are not mentioned in minutes of formal NAC meetings during 1950 or 1951. However, more generalized discussion regarding allocation of loans by the Export-Import Bank and the IBRD occurred at NAC meetings No. 172 and 173, April 17 and 20, 1951, respectively. At the latter meeting NAC Document No. 1125 was approved as a basis of U.S. policy with respect to the lending activities of the two banks. (Lot 60 D 137)

Editorial Note

American and Brazilian officials held frequent formal and informal consultations during 1950 regarding the operations of airlines of each country under their Agreement Relating to Air Transport Services, which was signed at Rio de Janeiro on September 6, 1946, and which entered into force on the same day. (Text in Department of State Treaties and Other International Acts Series (TIAS) No. 1900, and in 61 Stat. (pt. 2) 4121.) The discussions, which covered routes, stop-overs, rates, and capacity and frequency of flights, resulted principally in curtailment of service on certain Brazilian routes of Pan American World Airways System and termination of service on a Brazilian route which had previously been allotted to Pan American Grace Airways, Inc., on a temporary basis.

Text of the understanding reached concerning PAA service forms part of an enclosure dated October 6, 1950, to despatch No. 695 from Rio de Janeiro, November 11, 1950. (911.5232/11-1050) The change which affected Panagra was an Amendment to the Air Agreement and was signed in Rio on December 30, 1950, and entered into force that day. (Text printed in 2 UST (pt. 1) 460.)

Partial summaries of the negotiations as they related to the interests of PAA are contained in the letters of September 26 and October 24, 1950, from Ambassador Johnson to Mr. Kidder. (911.5232/9-2650 and 911.5232/10-2450) Detailed information on United States-Brazilian air transport problems during 1950 may be found in files 611.3294, 911.5220, 911.5220 PAA, and 911.5232.

CHILE

POLITICAL AND ECONOMIC RELATIONS OF THE UNITED STATES AND CHILE¹

Editorial Note

On February 28, 1950, Chile and the United States reached agreement on a Lend-Lease Settlement Arrangement. The Arrangement was embodied in the Chilean Embassy's notes of October 17, 1949 and February 28, 1950, and a United States note to the Chilean Embassy of the latter date. (None printed; all filed under 725.56/2-2850.) In a note of May 10, 1950, to the Chilean Embassy, the Department stated that Chile, by a payment to the United States of 15 million pesos on April 27, had fulfilled the payment terms of the Settlement Arrangement and discharged its repayment responsibilities under the United States-Chilean Lend-Lease Agreement of March 2, 1943. (725.56/5-1050)

¹ Continued from *Foreign Relations*, 1949, vol. II, pp. 558-602.

825.131/4-1250

*Memorandum by the Director¹ of the Office of Financial and
Development Policy (Stinebower) to the Secretary of State*

CONFIDENTIAL

[WASHINGTON,] April 12, 1950.

Subject: Chilean Exchange Rate Proposal Disapproved by International Monetary Fund on April 11.

Discussion:

On April 11 the International Monetary Fund disapproved the most important feature of an exchange rate adjustment proposal put forward by Chile—the establishment of a new official rate of 54 pesos per dollar. This action, which was unanimously recommended to the Board by the Fund Staff, and which was supported by the U.S. Executive Director,² was taken on the grounds that such a rate would

¹ As of April 16, 1950.

² Frank A. Southard, Jr. In telegram 96 to Santiago, April 12, 1950, the Department stated in part that it had approved in advance the position taken by Mr. Southard. (825.131/4-1250)

be inadequate to meet the necessities of Chile's present financial and economic situation.

Chile must now choose whether to accept the Fund's decision or to ignore it and put into effect the new exchange system advocated by the present Finance Minister.³ In the latter event, and until its position vis-à-vis the Fund were regularized, Chile would automatically lose its right to apply to the Fund for dollar drawings, and would also probably be unable to obtain new loans from the International Bank.

On the basis of the still incomplete information which is available, it appears that the Chilean proposal to the Fund was the product of a complex internal political situation, rather than being based on sound economic reasoning. Background is given in Attachment No. 1, and the text of the Fund action in Attachment No. 2.⁴

Recommendation:

If the concurrence of the U.S. Executive Director in the Fund action should be questioned by President Gonzalez Videla, it is recommended that he be informed that the proposal was considered on its economic and financial merits and was judged to be contrary to Chile's own interest in the present circumstances.⁵

Concurrence:

ARA

Attachment 1

BACKGROUND ON CHILEAN EXCHANGE RATE PROPOSAL OF
APRIL 11, 1950

After protracted discussions with the Fund in 1949 and the reaching of an agreement by the leading political parties, Chile accepted a recommendation by the Fund that it replace its complex multiple exchange rate system as soon as possible with a fixed unitary exchange rate in the neighborhood of 60 pesos per dollar. An interim exchange system, to be used until the legislation required to implement the unitary rate proposal could be passed by the Chilean Congress, was approved by the Fund in January, 1950. The implementing legislation, in particular a bill to stabilize wages and prices proved unacceptable

³The Chilean Government did not adopt a unitary exchange rate of 54 pesos to the dollar. In despatch No. 28 from Santiago, July 10, 1950, the Embassy reported in part that the position of the Chilean Cabinet which had taken office in March 1950 had never been clarified on the subject of exchange policy and that there remained little reason for anticipating a revival of the unitary exchange rate proposal. (825.131/7-1050)

⁴Attachment No. 2, not printed.

⁵No record of mention of foreign exchange problems by President Gonzalez Videla during his visit (described in the editorial note, *infra*) has been found in Department of State files.

to organized Chilean labor. The Cabinet fell and the stabilization bill was withdrawn from the Congress. The coalition cabinet which was subsequently formed with labor support, and which is still in office, included the present Finance Minister, Carlos Vial, who had long been a political enemy of President Gonzalez Videla and of the previous Finance Minister, Sr. Alessandri. Vial, soon after taking office, attacked Alessandri on the exchange rate issue, claiming that by agreeing to an exchange rate of about 60 peso per dollar the latter had "over-depreciated" the peso to the serious detriment of the Chilean worker.

Such incomplete information as is available indicates:

1. That the crisis which quickly developed over the exchange rate issue during the first few days of the present month, and the pressure which was brought to bear on the Fund early this month to approve a new exchange rate proposal drafted by Sr. Vial were fundamentally due to domestic political rivalries rather than to economic or financial considerations;

2. That the President and his supporters are probably personally in favor of continuing to observe the understanding reached with the Fund in January but have been handicapped by labor opposition to substantial devaluation of the peso.

The several Chilean exchange rate proposals discussed informally with the Fund just prior to the meeting of the Board on April 11, and the plan discussed at that session (which called for a fixed official rate of 54 pesos per dollar) all suffered from several defects:

1. They were all thought to be primarily inspired by political rather than financial considerations.

2. They all substantially over-valued the peso.

3. Although speciously attractive in that they were put to the Fund in terms of a unitary rate, they made no specific provision for the collateral domestic financial and stabilization measures which would be essential to support such a rate structure.

4. Such collateral measures could clearly not be put into effect in the near future in view of the complexity of the internal political situation, for which the new Finance Minister appears to be largely responsible.

5. In the circumstances it was to be expected that, even though a unitary rate were to be established, a new multiple exchange rate system would quickly develop, as the Government could not politically sponsor an outright devaluation of the peso sufficient to meet the economic necessities of Chile's situation.

Editorial Note

President Gabriel Gonzalez Videla made a state visit to the United States from April 12 to May 3, 1950, and was in Washington from his arrival until April 15. File 725.11 for 1950 includes documents

pertaining to this visit. See also the comments by President Truman at his News Conference, July 13, 1950. (*Public Papers of the Presidents of the United States: Harry S. Truman, 1950* (Washington, Government Printing Office, 1965), page 191.)

In a memorandum to the Secretary, dated April 6, Edward G. Miller, Jr., Assistant Secretary of State for Inter-American Affairs, stated in part (with reference to a possible return visit by President Truman):

"While I myself am to some extent responsible for this idea having been dreamed up in the first place, I think that now we had better go very easy about undertaking any commitment for the President in this regard. Since last October our relations with both Peru and Argentina have improved markedly and it might cause us difficulty vis-à-vis those countries if President Truman should try to visit only Chile." (725.11/4-650)

825.00/5-3150

*The Assistant Secretary of State for Inter-American Affairs (Miller)
to the Ambassador in Chile (Bowers)*

CONFIDENTIAL

WASHINGTON, May 31, 1950.

DEAR AMBASSADOR BOWERS: I have had some dealings with Ambassador Nieto¹ recently which you should know about.

Shortly before your departure from the United States he came to see me about four points:

1. Extension of present suspension of excise tax on copper.
2. Pending International Bank loans.
3. The proposed acquisition of the tanker.
4. Transfer of synthetic nitrate plants.

It was not a very satisfactory conversation owing to the fact that this Department is unable to control action on any of these matters since in each case the authority rests in another agency or branch of the Government. However, I doubt that Nieto adequately appreciates our difficulty on this. We have been doing our best to help Chile out on these things and the following is a record of how we stand to date:

1. *Copper tax*: Your visits to Senator George and Congressman Doughton² were most useful. Senator George has recommitted the scrap metal bill³ for the purpose of considering the inclusion of a provision extending the present exemption on copper.⁴ A meeting of

¹ Felix Nieto del Rio, Ambassador of Chile to the United States.

² Walter F. George of Georgia, Chairman of the Senate Committee on Finance, and Robert L. Doughton of North Carolina, Chairman of the House Committee on Ways and Means.

³ S. 5327, not enacted.

⁴ Public Law 33, an act which extended the suspension of the excise tax on imported copper, was to expire on June 30, 1950. For text, see 63 Stat. 30.

the Finance Committee is scheduled for June 1 to consider this with Senator Hayden,⁵ who is the proponent of terminating the exemption, along with the two Colorado Senators⁶ who are both members of the Finance Committee. We are doing some work with other members of the Committee and the Secretary of Commerce⁷ is going to help us. I am more hopeful about this matter than I have been at any time in the past but it would still be premature to give the Chileans too much encouragement because anything can happen in Congress.⁸

2. *International Bank loan:* I have been in very close touch with Mr. Anderson of the Bank about the pending applications involving (a) the lumber industry, newsprint and celotex; (b) the coal industry and (c) irrigation. Anderson advised me recently that the only thing that the Bank was waiting for was to see Chile embark on a determined program to control inflation. They realize that Chile cannot do everything it wants but they are anxious to see a real beginning. The fact that Alessandri began such a program and couldn't put it over makes for scepticism and caution on the part of the Bank. They do not, of course, place too much importance on any particular individual and would be delighted if Vial could succeed where Alessandri failed. They do, however, want something more than statements of intention. While it would be difficult to tell just how much performance the Bank would be satisfied with, I would think that a *sine qua non* would be a unitary rate of exchange agreeable to the International Monetary Fund and something specific with regard to control of credit. I believe that even if the Bank should be more liberal in its view than this, there would still be great difficulty in obtaining the approval of the NAC. You will, of course, recall in this connection the long delay last summer in the NAC in connection with the \$25 million Eximbank loan⁹ and if there should be no improvement in Chile's performance in regard to inflation, there would certainly be trouble in the NAC over any new loan.

Since I wanted Nieto to get the story straight, I had him to lunch with Anderson last Friday and we had a good talk at the end of which Nieto stated that he would immediately advise President Gonzalez Videla about the substance of the conversation.

3. *Tanker:* I am more hopeful than ever about obtaining the approval of the transfer of the tanker.¹⁰ We have a letter drafted for the

⁵ Carl Hayden of Arizona.

⁶ Edwin C. Johnson and Eugene D. Milliken.

⁷ Charles Sawyer.

⁸ In response to questioning at his news conference held June 1, President Truman stated that he hoped Congress would extend the waiver of the import tax on copper and that he had discussed the matter with President Videla. (*Public Papers of the Presidents, Harry S. Truman, 1950*, p. 152.)

⁹ For documentation concerning this loan (authorized October 5, 1949), whose principal purpose was to aid Chile's foreign exchange position, see *Foreign Relations*, 1949, vol. II, pp. 588 ff.

¹⁰ Reference is to attempts of the Chilean Government to purchase the tanker S.S. *Fort Meigs* from private American owners. Documents in file 925.537 for 1950 indicate that the Department of State and the Embassy in Santiago strongly supported this purchase as of potential substantial aid in improving the foreign exchange position of Chile through reduction in oil cargoes to non-Chilean vessel operators. Maritime Administration approval, necessary for the sale abroad of any ship built under World War II programs, was given on July 26, 1950; President Truman had earlier indicated his support. The sale was not completed owing to the failure, in September 1950, of the Chilean purchasers and the sellers to agree on final terms.

Under Secretary ¹¹ to send to the Secretary of Commerce this week requesting that the transfer of the tanker be permitted. It was held up pending completion of the reorganization plan under which the Maritime Commission was abolished and its functions transferred to the Department of Commerce. I am hopeful that now that this reorganization has transpired, we will be able to work out this matter on which the Chileans place so much importance. Since the Minister of Economy of Chile, Mr. Julio Ruiz, telephoned me personally about this two weeks ago on instructions from Gonzalez Videla, you might mention to the President that we are working on this very actively.

4. *Disposal of synthetic nitrate plants:* Nieto has been very disturbed over the fact that the Department of the Army recently disposed of a synthetic nitrate plant in Kentucky without observing the requirements of consultation.¹² This is the second time that this has happened to the embarrassment of the Department of State and in this case as in the previous case some years ago the fault was entirely that of the Department of the Army which apparently has not had an adequate control system to insure the required consultation. This was a particularly flagrant case this time since the closing of the transfer of the plant occurred at the moment that Nieto was handing me the note setting forth the Chileans views about the terms of the transfer. While our Department was completely guiltless, it is impossible for the Chileans to believe this. Accordingly, in connection with another contemplated transfer of a plant at Morgantown, West Virginia, President Gonzalez Videla has now addressed himself directly to President Truman and Ambassador Nieto has also seen our President.¹³ However, I hope that this matter can be straightened out or that at least we go through the formality of appropriate consultation. In any event the Army has not received any bids as yet so that this matter may not be quite so serious.

We are trying to do our best for the Chileans on all of these matters but as you will see the ultimate authority with respect to each of them resides in bodies other than the Department of State. This is just another proof of the old adage that the Department has great responsibility without authority.

Sincerely yours,

EDWARD G. MILLER, JR.

¹¹ James E. Webb. The letter mentioned, not printed, was dated June 2.

¹² In a letter of March 5, 1945, from Secretary of State Edward J. Stettinius, Jr., to Chilean Foreign Minister Joaquín Fernández Fernández, the United States undertook certain obligations towards Chile respecting disposal of U.S. Government-owned synthetic nitrogen plants. For text of the letter, see *Foreign Relations*, 1945, vol. ix, p. 795. Files 811.3972 and 825.2564 for 1950 contain documentation regarding the sale of the Ohio River Ordnance Works, Henderson, Ky.

¹³ On June 1, 1950, Ambassador Nieto handed to President Truman a memorandum on this subject dated May 27 (not printed) from President Gonzalez Videla. (825.2564/5-2750)

825.3972/7-1450

The Secretary of State to the Embassy in Chile

RESTRICTED

WASHINGTON, August 29, 1950.

No. 31

The Secretary of State refers to the Embassy's despatch No. 56, July 14, 1950, and its telegrams No. 12 of July 13, No. 20 of July 17

and No. 35 of July 25,¹ reporting on the protest that has been registered with the Ambassador against the proposed lease to private interests of Morgantown Ordnance Works.

The views of the Chilean Government regarding the disposal of the United States Army's synthetic ammonia plants, including the plant at Morgantown, have been frequently expressed to the Department and have been given full consideration by the Department. They are, however, at variance with the conclusions reached by the United States Government after study of the factors involved and the Department is unable to accept them or let them guide its actions.

With respect to the contemplated lease of Morgantown, the Department does not consider that the present situation justifies a request to the Army to abandon efforts to lease the plant. The principal reason for this view is related to national defense. The plant is a part of the National Defense Reserve, and must, if possible, be maintained under conditions enabling the Army to have access to its output, in whole or in part, without delay should the need arise. This cannot be done if the plant is placed in stand-by. There would be a minimum of a four to five months delay in reactivating this plant if it were shut down, with risk of further delay should it then be found that repairs or replacement of parts were required before production could be resumed. A plant in stand-by condition deteriorates at a faster rate than one in operation, no matter how carefully it has been packed away.

The present military situation is not such as to require a large-scale ordnance program and it is, therefore, not practicable for the Army itself to continue operation of the plant. The situation intensifies, however, the need for keeping the plant in operation under a commercial lease, so that its output will be immediately available to the Army, either through purchase from the lessee under an option in the lease, or through repossession of the property.

The strategic gain in keeping the plant in operation is so great that the Department would not be justified in requesting an alternative course, when it is not clear that there is actually any risk of injury to the Chilean nitrate industry in leasing the plant. It is only under a certain combination of circumstances that the risk will exist, and the probabilities cannot be weighed until a number of presently unresolved factors are known. These include the use to be made of the property, the terms of the lease, their significance in relation to other costs, and the probable drain of military requirements upon domestic supplies of nitrogen in coming months.

The Department has secured a firm commitment from the Department of the Army that three weeks will be allowed for consultation

¹ None printed.

with Chile on the proposed terms of lease and other relevant matters, once the probable final terms are known, and that in addition prior to that time interagency discussions will be held on certain of the relevant issues. There will be sufficient opportunity to ask the Army to reconsider its plans on Morgantown, if it is found to be necessary and appropriate to do so.

For the Embassy's information, Army officials are somewhat doubtful that they will receive at the present time any bid for the Morgantown plant attractive enough to warrant consideration. Although no bids were submitted when first invited, the Army has since been approached by a number of companies tentatively interested in acquiring the plant. The size of the plant, however, and the large capital investment that would be required before commercial operations could be undertaken are apparently causing these potential lessees to move with extreme caution. No firm offer that is considered reasonable has been received to date and the processing of the plant for standby retention is under way. The Army will, however, continue its efforts to lease the plant and understandably wishes to reserve the right to consider all offers.²

The Chilean Government's beliefs that this Government's policy in disposing of its synthetic nitrogen plants has been injurious to the Chilean nitrate industry and has been in violation of international commitments are not borne out by the facts. What are regarded as fair market values have been received for each of the plants sold or leased to date and the expansion in total demand for nitrogen fertilizers has been such that the output from the plants, far from leading to a surplus of supplies, has only served to lessen the severity of a shortage of fertilizers that persisted into 1949-50.

There has been no complaint from the domestic synthetic nitrogen industry that unfair competition or overproduction has resulted from the transfer to commercial interests of the Government-built plants.

The Government's policy in disposing of these plants has not been inconsistent with Resolution IX of the Foreign Ministers' Meeting at Rio de Janeiro in 1942³ since this resolution requires only that synthetic industries which are "economically artificial" i.e. subsidized, be not encouraged by the Governments, and, furthermore, makes an exception where defense needs are involved.

Resolution XII of the Conference of Inter-American Commissions for Production and Development, May 9, 1944,⁴ is not a commitment

² Documentation regarding the eventual sale of this plant in the fall of 1951 is contained in files 825.2564 and 811.3972 for 1951.

³ Text of the Final Act of the Third Meeting of the Foreign Ministers of the American Republics (held January 15-28, 1942) is printed in the Department of State *Bulletin*, February 7, 1942, p. 117.

⁴ Summaries of the texts of recommendations adopted by this meeting (held in New York City, May 9-18, 1944) are printed in Coordinator of Inter-American Affairs, *Economic Report*, No. 5 (Washington: Government Printing Office, 1944).

subscribed to by the United States Government. When acted upon by a Subcommittee of the Inter-American Financial and Economic Advisory Committee, this resolution was referred to governments for consideration but without recommendation, the United States representative being unable to accept a commitment applicable to all synthetic industries.

Whether or not this Government has adequately honored the obligation assumed in the Agreement embodied in the exchange of notes signed at Mexico City in 1945, remains a matter of interpretation.

While it is felt that this Government can and should defend itself from charges that it has harmed the Chilean nitrate industry and violated international commitments, it is recognized that the Chilean nitrate industry is currently in a rather unfavorable position, for reasons apart from the Government's policy in disposing of its nitrogen plants. A course of action reaffirming United States interest in this basic Chilean industry and offering possibilities of remedying some of the industry's present problems is called for. As a first step, the Department has advised the Chilean Government of its willingness to enter into discussions of the problems of the industry, to determine whether there is need for joint Governmental action to assist the industry and to draw up any appropriate plans towards that end. If such discussions accomplish nothing else, they should serve to shift the emphasis in Chilean policy from efforts to limit world synthetic nitrogen capacity, which are futile in themselves and do not get at the root of the industry's difficulties, to the measures needed to maintain and improve the competitive position of sodium nitrate.⁵

There is enclosed herewith for the records of the Embassy a copy of a note from the Department to the Chilean Embassy, dated August 3, in reply to the memorandum delivered to the President by the Chilean Ambassador on behalf of the President of Chile.⁶ A copy of the memorandum was forwarded to the Embassy under transmittal slip, dated June 6, 1950. There is also enclosed a copy of the answer to a note from the Embassy⁷ that specifically requested that Morgantown be not leased.

⁵ Documents in file 825.2564 for 1950 indicate that in response to this suggestion the Chilean Government sent Jorge Vidal of the Chilean Nitrate Corporation to Washington for discussion of nitrate problems with U.S. officials. Representatives of the State, Commerce, and Agriculture Departments responded favorably to Sr. Vidal's suggestion that Chile apply to the Export-Import Bank for a loan whose proceeds might be used to improve the competitive position of Chilean nitrates; however, Chile submitted no formal application to the Bank during 1950.

⁶ Neither printed. The memorandum is that referred to in footnote 13, p. 788.

⁷ Neither printed.

825.2542/8-2950

*The Assistant Secretary of State for Inter-American Affairs (Miller)
to the Ambassador in Chile (Bowers)*

CONFIDENTIAL

WASHINGTON, August 29, 1950.

DEAR MR. AMBASSADOR: Receipt is acknowledged with thanks of your letters of August 4, August 11 and August 18.¹

I have read with great interest your informative account of the dispute concerning the religious education bill now before the Chilean Congress and of events related thereto.

As regards the copper tax, at present writing, we are still waiting for the Senate to take up the scrap metal bill (S. 5327) to which Senator McMahon² will introduce an amendment suspending the copper tax for one year.³ The amendment has a fair chance of approval by a vote on the floor of the Senate. I had lunch with Ambassador Nieto last week and went over this matter with him in detail. He has followed the course of the legislation very actively with the help of the Davies law firm⁴ which has been in close touch with Senator Danaher,⁵ the lobbyist for Revere Copper and Brass, who are extremely interested in continuing the exemption from the tax.⁶ Nieto was very complimentary of the Department for its work on this matter and congratulated us on the very favorable editorials in the *New York Times*, *Washington Post* and *Washington Star*, which we had a hand in recently. He said that he was completely satisfied that regardless of the outcome of the legislation the Department and the Embassy had done everything possible to secure a favorable outcome. He also admitted that the matter was of no economic consequence now that copper had gone up to 24 cents a pound, but that it was of psychological importance and of political importance to the President.

Nieto also seems to be resigned, as I think we all have to be, to the fact that it is going to be impossible permanently to exempt copper

¹ None printed.

² Brien McMahon of Connecticut.

³ That is, an amendment from the floor. On August 8, 1950, the Senate Finance Committee had rejected extension of the suspension (which had expired on June 30) by a vote of 9 to 4.

⁴ Davies, Richberg, Beebe, Landa, and Richardson, attorneys for the Chilean Embassy.

⁵ Former Senator John A. Danaher of Connecticut.

⁶ In a memorandum of a conversation held March 30, 1950, between two officials of Kennecott Copper Corporation (Charles R. Cox, President, and Arthur Page, Director), Mr. Miller and Sheldon T. Mills, Director of the Office of North and West Coast Affairs, the latter had said in part:

"Messrs. Cox and Page stated that because of the fact that they had important interests in the Western States Kennecott could not press for a continuation of the exemption of the two cent per lb. excise tariff on copper. At the same time they were very pleased to have the Administration take this stand. In the opinion of Mr. Page the two cent excise tax did not make much if any difference."
(825.00/3-3050)

by special legislation from the regular statutory duty on copper. If we have this much trouble continuing the exemption for a year at a time when copper is in short supply and prices are soaring, it stands to reason that we cannot hope to keep the tax off permanently. Consequently, if we fail in our efforts in this session to continue the exemption for another year, we can at least have the consolation that the psychological blow to Chile will fall at the time when the Chilean economy can most easily absorb it and when Chile can most easily adjust to the reversion to the statutory rate of duty.⁷

[Here follow discussions of the naval sales program and of the Fifth General Assembly of the Pan American Institute of Geography and History.]

With my very best wishes,

Sincerely yours,

EDWARD G. MILLER, JR.

⁷ The text of President Truman's letter regarding the imported copper excise tax, delivered to Ambassador Nieto August 31, 1950, and released to the press September 1, is contained in the Department of State *Bulletin*, September 18, 1950, p. 470.

911.5325/8-1850

The Secretary of State to the Embassy in Chile

CONFIDENTIAL

WASHINGTON, September 1, 1950.

No. 33

The Secretary of State refers to the Embassy's despatch No. 174 of August 18, 1950¹ and to other correspondence between the Embassy and the Department concerning the arbitrary division of maritime freight between Chilean and foreign flag vessels.

The Department concurs with the Embassy's opinion that it would be best at this time to concentrate immediate efforts on the elimination of the present requirement for a declaration by prospective importers as to the nationality of the carrier (that is, eliminating question No. 9 from the import license application).² However, at the same time the Embassy should continue to press the views of this Government concerning the broader and apparent basic policy of the Chilean Government for a minimum of 50% of Chilean foreign trade in Chilean ships.

In accordance with the Embassy's request, the following comments should be helpful to the Embassy in the presentation of a further formal note to the Chilean Foreign Office in which the views of this

¹ Not printed.

² Question No. 9 required applicants to state whether they intended to import cargoes in Chilean or foreign vessels. In its telegram 8 to Santiago of July 12, 1950, the Department reported learning from Grace Line officials that Chilean consular officials were refusing, under an instruction from their government dated May 15, 1950, to certify shipments moving on non-Chilean ships if the import license specified a Chilean vessel. (911.5325/3-1350)

Government should be strongly reiterated in reply to the Foreign Office notes No. 07795 of August 1 and No. 08170 of August 10.³ As will be seen, these comments will cover both the matters of the problems raised by question No. 9 of the import license application as well as the apparent Chilean policy of obtaining a minimum of 50% of its foreign trade in Chilean ships.

With respect to the problem of the elimination of question No. 9 from the import license application, the following are the views of this Government on this matter:

(1) It is the long-established policy of the United States that international shipping should be conducted under conditions permitting free competition on equal terms for all carriers for commercial cargoes. In order that this condition may prevail, the importer and/or exporter must have a freedom of choice as to the shipping services to be employed. In this connection, the United States Government is pleased to note that the Government of Chile recognized the soundness of this principle as revealed in the reply of the Foreign Minister's note No. 08170 of August 10, 1950, in which he stated that the importer in Chile indicates freely the nationality of the vessel in which his products will be carried. It, therefore, appears that both the Chilean and the United States Governments agree on the fundamental soundness and importance of the principle that importers and/or exporters should have a free choice in selecting the shipping services to move commercial cargoes.

(2) It is the firm view of the United States Government that question No. 9 of the application for import licenses of the Chilean National Foreign Trade Council is in violation of the principle set forth above. As the Embassy pointed out in despatch No. 174, although the statement of the Foreign Minister in his note of August 10 that importers have a free choice in designating the nationality of the carrier is superficially true, nevertheless it is not consistent with the realities of the situation. In view of the well-known policy of the Chilean Government to foster the development of its own Merchant Marine, an applicant for an import license is bound to be influenced toward naming a Chilean flag vessel as the carrier when he is submitting such application to a Chilean Government agency. As the Embassy stated in despatch No. 174 and other communications, and as the Department has been reliably informed, apparently applicants who designate Chilean flag vessels as the carrier of the goods obtain their import licenses more expeditiously than otherwise. This, of course, places such applicant in a much more preferred position over another applicant who for normal commercial reasons selects a foreign carrier.

(3) In view of the fact that the inclusion of question No. 9 on the import license application is not necessary to bring about the freedom of choice of shipping companies by exporters and/or importers, which both Governments agree is sound and desirable, the United States Government again urges the elimination of question No. 9 from the above application and the cancellation of the instruction to Chilean Consulates dated May 15, 1950 with respect thereto. It should also

³ Neither printed.

be reiterated that this practice could be very effectively used to divert commercial cargo to Chilean flag vessels without any opportunity for competition by United States and other flag vessels.

(4) Since the Chilean Government in the Foreign Ministry's Note No. 08170 of August 10 stated the importer does have a free choice as to the nationality of the vessel and can and does make his own arrangements direct with the shipping line desired it, therefore, follows that there is no reason for the inclusion of question No. 9 in the above application nor to the instructions to the Chilean Consulates referred to above.

With respect to the broader question of the aspiration of Chile to carry 50% of Chile's foreign trade in national flag vessels, the following points should be made in a note to the Chilean Foreign Office:

(1) The United States fully recognizes the desires of other countries to have their own national Merchant Marines and to have such national flag vessels participate in the movement of their foreign trade. It is also recognized that Government assistance to achieve this desire may be necessary.

(2) However, the United States Government cannot agree to practices which divert commercial cargo to national flag vessels which are discriminatory against other flag vessels and detrimental to the free flow of international trade. Therefore, this Government must again reiterate to the Chilean Government its desire that Chile will not employ practices which interfere with the choice by exporters and/or importers of the flag vessel to be employed and which involve the intervention by a government in directing the routing of commercial foreign trade.

(3) In this connection, references have been made at various times by the Chilean authorities to apparent similar action by the United States in putting into force measures which direct the routing of certain cargoes to United States flag vessels. It should be clearly understood there is no law, regulation or practice under which the United States Government directs or influences the routing of commercial cargoes. Evidently, the Chilean authorities are referring to statutory provisions that apply to Government-owned cargoes, such as cargoes being transported for the use of the National Defense Establishment, or cargoes resulting from government gifts or loans, such as Economic Cooperation Administration cargo or the shipment of cargo financed by Export-Import Bank loans. The United States sees no basis in Chile's contention that such limited action of the United States Government in directing the routing of such cargo involves the United States in practices insuring a minimum participation in the carriage of strictly commercial cargo nor does it justify Chile taking such steps as directing the routing of commercial cargo.

(4) Chile's aspirations to carry 50% of her foreign commerce in national flag vessels before providing the equivalent percentage in quantity and quality of service may be also questioned. If this became effective, it might be very detrimental to the interests of Chile as well as to the United States and to the good shipping relations which have existed between the two countries. If by artificial and arbitrary means, a particular carrier obtains a percentage of the trade far in excess of the amount and the quality of service provided, the services of other

carriers in the trade are bound to be curtailed and/or withdrawn with the result that the overall service in capacity, quality and frequency deteriorates. The United States Government, therefore, in the interest of the maintenance of the best transportation services possible between the two countries, urges the Chilean Government not to take official action in an arbitrary manner affecting the routing of commercial cargoes for the purpose of increasing the participation percentage of national vessels beyond that justified by the quantity and quality of the service provided by them.⁴

⁴ In telegram 104 from Santiago, September 7, 1950, Ambassador Bowers reported he had that day delivered to the Foreign Office a note along the lines of Instruction 33. He noted also that the Chilean Foreign Trade Council had recently authorized that a requirement might be imposed requiring the use of Chilean flag vessels for up to 50 percent of cargo arriving from ports regularly served by Chilean lines. (911.5235/9-750)

911.5325/9-2650 : Telegram

The Ambassador in Chile (Bowers) to the Secretary of State

RESTRICTED

SANTIAGO, September 26, 1950—5 p. m.

139. Grace making every effort effect settlement difficulties commercial level (Embtel 135, September 25¹) and have made proposal to Salinas of Chilean Line² which Grace says represents their utmost limit and maximum Maritime Board might approve. Offer includes 50 percent participation Atlantic trade against present Chilean participation 36 percent. Also includes 25 percent participation Gulf trade and recognizes Chile's right achieve in future 50 percent participation whereas their present participation only 18 percent. Salinas stated could not recommend to his directors and showed very stiff attitude including open statement saw no reason accept any arrangement giving Chilean Line less than straight 50 percent participation US Atlantic and Gulf trades regardless relative frequencies capacities or present participation since under system of stamping import licenses he had only wait achieve that goal. It was felt I should see President instead of working through Foreign Minister due pressure time since CSAV annual stockholders' meeting Friday September 29 at which time Salinas stated he would like report possibility commercial settlement if any existed. We fear that failing commercial settlement he will announce government commitments in form very difficult subsequently modify.

I saw President Gonzalez this morning and as basis discussion handed him informal personal memo³ outlining main points US position. He chose construe this as formal US note and as it contained

¹ Not printed.

² Reference is to Compañia Sudamericana de Vapores (CSAV).

³ Not printed; forwarded to the Department as enclosure No. 3 to despatch No. 294 from Santiago, September 28, 1950. (911.5325/9-2850)

word "protest" against this practice rejected memo and made many references to Chilean sovereignty and pressure by big country etc. However at end he agreed it would be good if Grace and Chilean Line could settle problem directly. This essentially met proposal in our memo. I got impression he was very tired and under tension and toward close that he was not happy over his outburst.

Shortly after my visit Salinas invited Grace for discussion tomorrow morning and Grace has some hope basis may be found for settlement.⁴

BOWERS

⁴ In a memorandum of conversation held in Santiago September 28, 1950, between President Gonzalez Videla, several Grace Line officers, and Charles P. Nolan, a transportation specialist of the Department, the latter reported in part that President Gonzalez Videla had stated he had directed CSAV to reach a settlement with the Grace Line but to remain firm in its position. (Enclosure to despatch No. 310 from Santiago, October 2, 1950; 911.5325/10-250)

911.5325/9-2850 : Telegram

The Ambassador in Chile (Bowers) to the Secretary of State

RESTRICTED

SANTIAGO, September 28, 1950—7 p. m.

143. Grace officials today orally reached following pooling arrangement within conference structure with CSAV to be confirmed in writing (Embtel 141 September 27)¹ for division such south bound cargo from US to Chile as is carried by both Grace and CSAV: for east coast trade 50 percent each; for Gulf Coast trade 35 percent for CSAV but CSAV must provide service to carry this as a minimum; cap coal to be included in CSAV percentage; CSAV to have as additional compensation 25 percent of northbound copper. This agreement subject to two conditions: approval by US Federal Maritime Board² and elimination by Chilean Government of import permit stamping requirement as applied to Grace.

Grace officials feel they have had to make a tough deal because of weak US bargaining position, but in circumstances believe it is best

¹ Not printed.

² On May 14, 1951, the Federal Maritime Board dismissed complaints entered by two Danish-owned operators (West Coast Line, Inc., and Rederiet Ocean A/S) against the formal pooling agreements which resulted from these negotiations. The Board held in part that the agreements did not violate the Shipping Act of 1916 (39 Stat. 728) as amended. Text of its ruling is filed under 911.5325/2-951.

In telegram 10 to Santiago, July 9, 1951, the Department stated the FMB had approved the pooling agreements on July 6. (911.5325/7-951)

In airgram A-100, October 5, 1951, the Department instructed the Embassy in Santiago to inform the Chilean Government that approval of the pooling agreements by the FMB was an action taken in accordance with the Shipping Act of 1916 and did not reflect a change in U.S. policy. (911.5325/10-551)

they could do and a bit better than they thought yesterday they could get.

If Department agrees, Embassy will now look to Chilean Government provide necessary formal assurances re stamping requirement.³

BOWERS

³ The Department, in telegram 90 to Santiago, September 29, 1950, agreed the Embassy should continue its efforts to obtain assurances the stamping requirement would be rescinded. (911.5325/9-2850) No indication has been found in Department of State files that Chile complied with this request.

825.10/12-2650

*The Assistant Secretary of State for Inter-American Affairs (Miller)
to the Ambassador in Chile (Bowers)*

CONFIDENTIAL

WASHINGTON, December 26, 1950.

INFORMAL

DEAR AMBASSADOR BOWERS: [Here follows a discussion of several social and personal matters.]

I am giving a dinner party on Friday night for the Chilean Ambassador and his wife and stepdaughter. During recent months I have been pleased to note on the part of Nieto real expressions of friendship and of appreciation for what we are doing. He is even appreciative of our efforts in losing causes such as the tanker deal and the copper tax.¹ I would think that our relations with the Chilean Embassy are about as good as I have ever seen them. If you have a convenient opportunity in the near future, I wish that you would tell President Gonzalez informally the substance of the foregoing and assure him that one of my new year's resolutions will be to proceed with all enthusiasm to work for constantly improved relations between our two countries.

We had a momentary scare in connection with the proposed transfer of the cruisers, but that has blown over and everything is now proceeding normally. I believe that the House and Senate Committees were probably not exceeding their prerogatives in inquiring into the question of whether the new situation in the Far East necessitated a reexamination of the transfer of so many vessels to South America.² However that may be, the Navy has responded with decisiveness.

¹ The Policy Statement for Chile of February 27, 1951, commented in part regarding this tax: "The Executive branch of the U.S. Government advocates continuation of the suspension of the tax, primarily because our domestic production of copper is insufficient for our needs. This position is also based on our awareness of the political significance of the tax to U.S. relations with Chile." (611.25/2-2751)

² Reference here is to questions regarding ship sales raised by the House and Senate Armed Services Committees. Information on the general policy of ship sales to the American Republics is scheduled for publication in volume I.

Our main headache at the moment at this end in relations with Chile has to do with the visit of German Picó.³ For several months we have been plagued with a jurisdictional dispute between the International Bank and the Export-Import Bank in relation to loan operations in general. The substance of the difficulty is in brief that there is no line of demarcation as between the functions of the two banks so that there is in effect competition between them for business. The International Bank has recently been pressing for a resolution of this difference along the lines of a NAC determination that the International Bank shall be the chosen instrument for development loans and that the Export-Import Bank should be limited in its operations to the servicing of projects which it has already financed in the past (such as the Chilean steel mill), plus projects in which the United States has a special strategic interest. On the other hand, the Export-Import Bank considers that it has a mandate from Congress to operate generally in the development field and will not agree to any such limitation of its functions, as Mr. Black has suggested.

A complicating factor is that the International Bank tends to be more conservative than the Eximbank and, in particular, its policy is not to make loans to countries who are in difficulty with the Monetary Fund. This last point poses a real dilemma to the U.S. Government, since the International Bank and Fund are the results of our initiative and it would naturally cause a very bad impression with those institutions if we permitted the Eximbank to make loans to a country after the International Bank had refused to make the loan for a reason of principle, such as the status of that country's relations with the Fund.

This whole question has now come to a head very acutely with both Brazil⁴ and Chile. In the case of Chile, the International Bank has, in substance, proposed to us that they would propose to Chile their willingness to go ahead with a long-term investment program of quite sizeable proportions, provided that Chile would fully implement the recommendations of the International Monetary Fund with reference to fiscal and financial reforms. At the same time, we understand that when Stambaugh and Bell of the Eximbank⁵ were in Chile, they talked to Picó and Vergara⁶ about a similar program of their own involving approximately \$100,000,000 in new loans to Chile.

To add one more even more difficult complication to the picture, our whole lending program has become considerably confused as the result

³ Executive Vice President of the Corporación de Fomento de la Producción, an organ of the Chilean Government.

⁴ For documentation on the jurisdictional dispute between the two banks as regards Brazil, see pp. 760-782, *passim*.

⁵ Lynn U. Stambaugh, Director, and Bernard R. Bell, Chief of the Economics Division.

⁶ Roberto Vergara, President of the Corporación de Fomento de la Producción.

of the new war production program, which will seriously curtail materials available for export for any purpose. Willard Thorp and I had a talk with Bill Martin⁷ of the Treasury last week about this whole thing, and we suggested that we try to get ourselves in a position so that Picó would not have to go back empty-handed. We may possibly be able to get both of the banks to agree on some specific loans on an *ad hoc* basis, possibly including expansion of the steel mill⁸ on the part of the Eximbank and the coal and lumber projects on the part of the International Bank.

I will naturally follow this whole problem with great interest.

Sincerely yours,

EDWARD G. MILLER, JR.

⁷ Willard L. Thorp, Assistant Secretary of State for Economic Affairs, and William McChesney Martin, Assistant Secretary of the Treasury and U.S. Executive Director of the IBRD.

⁸ The Huachipato works at Concepción.

825.131/12-2150 : Airgram

The Secretary of State to the Embassy in Chile

CONFIDENTIAL

WASHINGTON, January 6, 1951.

A-142. Chile's proposals to the IMF for modification of its exchange rate system were similar in general features to descriptions in Emb despatches 575 Dec 18 and 581 Dec. 21.¹

The IMF received the proposals on Dec 23 in the form of a rather generally phrased telegram from the Central Bank of Chile which added that additional information could be supplied by Sr. German Picó who was about to travel to Washington.

On Dec 28 the Fund Executive Board met to give preliminary consideration to the Chilean proposals and to discuss them with Sr. Picó who had just arrived. The statements made and data presented raised further questions and the meeting was adjourned in order to permit the Fund Staff to have more detailed discussions with the Chilean representative.

The Staff on the basis of these discussions became increasingly skeptical of the probable effectiveness of the Chilean proposals. It concluded that approval should not be recommended and suggested that the Fund reserve its position regarding the system until there had been an opportunity to observe its actual operation.

The Executive Board met again on Dec 30 and the Director representing Chile conceded that the proposal was not all that could have been hoped and that it was not likely to be effective without a program to deal with inflation. He introduced the idea that the Fund reserve its position or take no decision.

¹ Neither printed.

At this point the alternatives were either acceptance of the formula presented by the Director representing Chile or outright disapproval. The US Executive Director stated that while he agreed with the analysis made by the Fund Staff and shared its conclusion that the proposals should not be approved nevertheless he thought that under favorable circumstances use of a free market for part of the commodity trade and for invisibles would be useful and could provide a workable interim arrangement to deal with short-run balance-of-payments pressures arising either externally or internally through inflation. Then he introduced the following draft decision which was subsequently adopted:

"The Fund has studied the proposals of Chile which are intended principally to shift a portion of the minor exports and imports which have less effect on the cost of living to the free market, leaving otherwise substantially unchanged the existing multiple rate structure. The Fund notes with satisfaction the statement of the Chilean Government that its ultimate objective is to attain a simplification of the exchange system and a sound par value for the Chilean peso. But, in the Fund's view, the proposed adjustment is not adequate to deal with these objectives. Furthermore, there are a number of uncertainties as to how the system will operate in practice. In any case, even a more thorough adjustment would be ineffective unless coupled with a comprehensive program designed to deal with the problem of inflation and to restore internal financial stability. In view of these considerations, the Fund takes no decision respecting the proposed changes and will remain in consultation with the Chilean Government on ways in which the exchange system can be adapted more effectively to Chile's needs and on the adoption of a comprehensive program designed to deal with the problem of inflation."

ACHESON

COLOMBIA

POLITICAL AND ECONOMIC RELATIONS OF THE UNITED STATES AND COLOMBIA¹

721.00/1-1150

Memorandum of Conversation, by the Ambassador in Colombia (Beaulac)²

CONFIDENTIAL

· BOGOTÁ, January 10, 1950.

Participants: President-elect of Colombia, Dr. Laureano Gomez³
The Ambassador

Subject: Conversation with President-elect Laureano Gomez

[Here follows a discussion of Colombian internal affairs.]

Gomez said that he had been referred to as a "Falangist". He is no Falangist. If he is a Falangist, where is his Falange? Who can imagine a Falangist leader without a Falange? He is a Republican. I told him that I myself had no worry on that score because, among other reasons, I knew that Dr. Gomez had been in Spain. The Latin American Falangists in general were those who had not been in Spain.

Dr. Gomez said that freedom of the press, of course, is a good thing. Nevertheless, abuse of this freedom by the press was one of the leading factors in bringing about the present situation between the Parties. He wants to see press freedom restored. However, he thinks the press should be more responsible. He would like a study made of the English Press Law with the idea that Colombia might adopt something similar.

He said that the state of siege⁴ would probably continue for a long time. If it should be ended now, Congress would have to be convened and it would immediately try to impeach the President. I asked him whether that meant that the state of siege might continue for a year. He said that that might be the case.

Dr. Gomez admitted that the continuance of a state of siege was in itself damaging to the country's credit. Nevertheless, he contended it was better than the situation which had immediately preceded the declaration of a state of siege. That situation was one of chaos which

¹ Continued from *Foreign Relations*, 1949, vol. II, pp. 603-622.

² This memorandum is enclosed with despatch No. 17 from Bogotá, January 11, not printed. (721.00/1-1150)

³ Dr. Gomez was inaugurated on August 8, 1950.

⁴ The Colombian Government had declared a state of siege on November 9, 1949.

threatened to destroy Colombia's democracy. The continuance of a state of siege represented an effort to rebuild that democracy. People feel freer now than before the declaration of a state of siege. They have more protection for their lives and property and even have greater political freedom in the sense that the political "wars" between factions and towns have ended. Not more than twenty people, in Bogotá, with agents in the many communities throughout the country, were principally responsible for the condition of chaos that had developed in Colombia. These people are temporarily out of business.

Dr. Gomez recognized, nevertheless, that the state of siege should be ended as soon as possible. A government needs opposition and criticism. Democracy must be restored as quickly as possible if it is going to be restored at all.

Petroleum

Dr. Gomez recognized that the labor situation which the Tropical Oil Company has to contend with is a national disgrace.⁵ The idea that the Company is obliged to maintain on its payroll hundreds of workmen whom it can no longer use is preposterous and ruinous to the country's credit. He said, "What foreigner would invest a dollar in Colombia in the face of such a precedent?" He said that he would not. He hoped that the situation could be overcome soon. I told him that one of the ironical aspects of this situation was that the company had recently been obliged to increase the wages of all these idle workmen in accordance with the President's decree making wage increases obligatory.

Gomez said, in passing, that labor difficulties, particularly the manning of boats by crews two or three times larger than necessary, had killed traffic on the Magdalena River. I said that I understood indeed that this was the case and that I hoped that the river could be restored as an economic artery of commerce. He said that he hoped that it could.

Dr. Gomez asked me about the new petroleum decree.⁶ I said that it did not go far enough in the opinion of the companies. It removes some obstacles and creates others. It is not far-reaching enough to induce the companies to come back to Colombia, and it probably will not even halt the present tendency for companies still in Colombia to reduce their operations. I said that the companies had many other countries where they could go and work under vastly superior con-

⁵ For documentation regarding the labor problems encountered by Tropical Oil Company in Colombia, see *Foreign Relations*, 1948, vol. ix, pp. 448 ff.

⁶ The decree had been issued on January 5. In telegram 5 of that date from Bogotá, Ambassador Beaulac had stated in part: "Royalties and rentals are materially increased [by the decree] in exchange for tax benefits of questionable value . . . Some relief granted re size and shape of concessions but fundamental question of number of concessions to be held by single company not changed." (821.2553/1-550)

ditions than the Colombian Government appears willing to offer. Gomez added, "Yes, and they can find oil in some of those countries, too, which is more than they can do in Colombia." I agreed.

I reminded Dr. Gomez that a couple of years ago the Government had called Max Thornburg, an internationally known petroleum authority, to Colombia to find out from him what the Government should do to stimulate petroleum activity. Thornburg had told the Government that he didn't have to define the conditions the companies needed for their operations. The companies working in Colombia were the same companies that were working in other countries. The companies themselves knew what conditions they required and they knew what conditions they had obtained in other countries. All the Government had to do was to get together with the companies and make up its own mind what conditions it should offer them.

I told Dr. Gomez that the companies had, in fact, told the Colombian Government dozens of times what conditions they required but the Government and the Congress had not heeded their requests. The present Government had alleged a real desire to improve conditions. However the companies had read the recent petroleum decree first when it appeared in the newspapers. I said that some persons, of course, might allege that the companies' views were interested views, and therefore should be taken with a grain of salt. In my opinion the companies' views were decisive since it was the companies which would make the decision to invest or not to invest large sums of money in Colombia.

I recommended that the Government be more friendly and more frank with the companies. If the Government was not interested in retaining the companies in Colombia, it should tell them so and let the companies go elsewhere. If, on the other hand, the Government was interested in their remaining here and working here, then it should work closely with them, treat them as friends, and help them in the interest of Colombia's economy and the Colombian people.

Gomez said that it was his intention to work closely with the oil companies. A lot of propaganda has been spread against the companies and a lot of people in the Government are afraid of being accused of having sold out to the companies in the event they cooperate with them. I said that I knew this to be a fact, and that the Communists had very assiduously and very successfully spread this propaganda and had excited these fears in public officials not only in Colombia but in other countries. Dr. Gomez agreed that this was the case. Dr. Gomez said that the oil companies are the only people who really know the oil business. They are the ones who have to risk their capital. Their views should be taken very seriously. He intends to call them in and engage in round-table meetings with them and work as closely as possible with them.

Economic Freedom and Investment of American Private Capital

I brought up the question of economic freedom in Colombia and ventured the opinion that Colombia has more to gain economically and politically from reasonable economic freedom than it has from a controlled economy. He said that he thought that certain controls were necessary to protect the people. I said that was undoubtedly true but other controls and barriers directly prejudiced the people. I referred to the tariff barriers and exchange taxes which the present Government has enacted and said that one result of these barriers was to make it possible for Colombian producers to charge exorbitant prices, in many cases for inferior products. I said that this tended to keep the mass of Colombians poverty-stricken and created a social problem which constituted one of the principal threats to Colombia's democracy. Gomez said that he agreed completely. He was against excessive tariff barriers. Governments operate too inefficiently to be able to adequately control a country's economy. I agreed. I took the opportunity to assure him that the United States Government had no desire to kill any Colombian industry. Our general desire to see barriers to international trade reduced, which applied to Colombia as well as to other countries, did not imply any desire or intention to kill any existing Colombian industry.

I referred to the deterrent to American investment which the practices of the Exchange Control Commission constituted. I said that American business was reaching the conclusion that Colombia was a kind of trap from which it might not be possible ever to extract any dollars invested here. The Exchange Control people had recently made a ruling on the export of dividends which conceivably was satisfactory to a lot of people. But what assurance was there that the rule might not be changed tomorrow or the next day? There was no assurance. I asked Dr. Gomez what foreigner would invest money in Colombia under those conditions. He replied, "No one with any sense." He then suggested the possibility that the Government might commit itself with foreign investors through some form of contract which would protect those investors against future legislation. I said that the idea was an interesting one.

Dr. Gomez then asked me what, in my opinion, was most needed to attract American capital to Colombia. I said that:

1. Negotiation and ratification of a treaty of Friendship, Commerce and Navigation would be helpful.⁷ The draft treaty presented by the United States, I reminded him, had been accepted in principle by the Colombian Government, and negotiations are shortly to be resumed in Washington.

⁷ This topic is further mentioned in the memorandum by Sheldon T. Mills, Director of the Office of North and West Coast Affairs, of a conversation held April 5, 1950, p. 814.

2. Proper treatment of capital already here is perhaps of highest importance.

3. The return to a system of law in the treatment of foreign investments. I referred again in this connection to the Tropical Oil Company's labor question. After the Colombian Government had decreed compulsory arbitration in this case and the arbitrator appointed by the Government had frankly exceeded his powers and gone beyond the frame of reference in deciding that the Tropical Oil Company could not discharge employees no longer needed, the Company had appealed the case to the Council of State, which is supposed to give relief in such matters. Two years have passed and the Council of State has not yet said a word. It is a plain case of denial of justice to the Company. This denial of justice had damaged Colombia's credit. He, Dr. Gomez himself, had referred to the case as a disgrace. It had not only scared foreign investors, it had scared Colombian investors too. Dr. Gomez said he knew that this was the case.

4. Strengthening Colombia's democracy would strengthen its credit. Investors naturally feel more secure in a democracy than in a dictatorship.

I said that I had been in Latin America many years and had witnessed a complete swing of the pendulum as far as relations between foreign companies and Latin American countries were concerned. Twenty-five years ago, the big foreign companies were strong and didn't hesitate to use their strength, while governments were relatively weak. Large companies had had little or no sense of the importance of public relations and little or no feeling of responsibility toward communities where they operated. Governments had naturally reacted and had erected safe-guards against the actions of the companies and controls over them. The companies, meanwhile, had recognized their failures and had taken steps to correct them. The companies had learned a great deal in fact. The United Fruit Company, for example, had become a model so far as public relations were concerned. It had developed a very high sense of social responsibility. Governments, on the other hand, had erected one control after another until they had reached a point where they were damaging their own interests and the interests of their people by discouraging foreign investment. The time had come for the pendulum to begin to move in the other direction. Gomez said he agreed.

Poverty in Colombia

During the conversation the subject of Paraguay came up. I told Dr. Gomez that I had not seen in Paraguay the signs of extreme poverty that I had seen in Colombia despite the fact that Paraguay is a poor country with practically no industrial development and Colombia is a comparatively rich country with a considerable industrialization. He asked me where I had seen this poverty in Colombia. I said that I had seen it right in Bogotá where workmen dress in rags, are sick looking, and are obviously under-nourished. He remarked that they

also were badly housed. I said that prices of most commodities in Colombia are cruelly high and it is a mystery to me how the mass of people in the cities survive. It is well known, of course, that they can not live in health. He said that these observations were extremely interesting to him. I tied in this observation with the discussion of barriers to international trade mentioned above.

Cooperation With the United States

I expressed the hope that Dr. Gomez' administration would be successful and helpful to the Colombian people and offered my cooperation. I assured him that the United States had no desire or ambition which went counter to any Colombian interest. On the contrary, our Government, and our people as well, were convinced that our security and well-being depended upon the security and well-being of other countries, including Colombia, and that by helping Colombia we were helping ourselves. I assured him that I would never make of his Government any request or suggestion which I considered was contrary to Colombia's interest, just as I would never make a request or suggestion which I considered was contrary to United States' interests.

Dr. Gomez thanked me for this assurance and said that he accepted it completely. He said that he was thoroughly convinced that Colombia had nothing to fear from the United States, that there was not the slightest pressure being exerted by the United States on Colombia in any direction, that there was not the slightest cloud in the relationship between the two countries, and that, on the contrary, Colombia had everything to gain by complete cooperation with the United States. He asked me not to hesitate to discuss with him any matter on the frankest terms and to make any suggestion on any subject. I said that I would not hesitate to speak to him at any time on any subject in a most frank manner and asked him to call on me at any time in connection with any matter that might occur to him.

[Here follow remarks of Dr. Gomez concerning the administrative structure of the Colombian Government.]

721.00/2-1350 : Telegram

*The Ambassador in Colombia (Beaulac) to the Secretary of State*¹

CONFIDENTIAL

BOGOTÁ, February 13, 1950—5 p. m.

77. My letter of January 11, 1950, to Miller.² From apparently reliable sources I learn President-elect Laureano Gomez plans to

¹ Repeated to Ciudad Trujillo for the attention of Edward G. Miller, Assistant Secretary of State for Inter-American Affairs.

² Not printed.

leave for Rome probably next month. Same and other sources claim to believe he would like to visit US before returning to Colombia.

I have not encouraged talk Gomez might visit States in view of criticism leveled at him in US because he was elected without opposition during state of seige.

However, in view of increasing widespread reports Gomez would like to visit US, some of which reports I am confident Gomez knows have reached the Embassy, and in view of possibility or probability that our failure to let him know he would be welcomed in US would be interpreted by him as a rebuff, I recommend Department instruct me to tell Gomez I have heard he intends to go to Rome and that we would be glad to have him visit US on his way back, in which event we would make it possible for him to see such things as TVA and other public works and other things in which he might be interested.

In making this recommendation, I have had following in mind:

(1) It is desirable in principle for the new president of Colombia to know the US.

(2) We cannot honestly attach blame to any one individual or any one political party for fact Gomez elected without opposition under state of siege.

(3) Liberals withdraw from electoral contest before state of siege was declared, not because state of siege was declared.

(4) Liberal Party's tactics contributed in considerable measure to political violence which resulted in declaration of state of siege.

(5) Liberal ex-President Lopez and Santos who are widely regarded as democrats in US were elected with Conservative Party abstaining.

(6) Gomez who has been consistently anti-Communist says he will foster democratic constitutional government and has said to me and for publication that he wants to have closest possible relations with US.

(7) We should not permit recent political developments in Colombia or partisan propaganda in connection with them to lessen possibility we will have good and helpful relations with Gomez regime.

In making above recommendation, I have omitted any reference to Gomez early attitude toward world war when he was an opposition senator because I consider that the important thing to our interest and security is not what he said or did in the past but what he as president of Colombia may do in the future.

When telling Gomez we would welcome his visit to US, I would also warn him that he might expect a hostile press reaction, particularly if the Colombian press should still be subject to censorship. I would say that such reaction might be so hostile as to make his visit to the States counter-productive from his viewpoint. I would say that on the other hand if press censorship and, particularly, if state of

siege should have been lifted, Gomez would have an excellent opportunity through direct contact with American newspapermen to explain his position and attitudes in obtaining a good press for his administration.³

Sent Department, repeated to Ciudad Trujillo.

BEAULAC

³ In telegram 64 from Ciudad Trujillo (repeated to Bogotá), February 15, 1950, Mr. Miller said in part: "I believe press reaction his visit would be so unfavorable that possible benefits outlined Beaulac's tel would not eventuate. While I fully realize strength Beaulac's arguments re responsibility of Liberal Party I believe we can pursue an open handed policy toward Gomez without according him unusual distinction of visit to US which has generally been reserved for chiefs of states who have clearly demonstrated their sympathy with our cause . . . correct course would seem be to give Gomez a full opportunity to show favorable disposition to US after assumption power. If in future, even before his assumption of power, situation should substantially change, including lifting of state of siege, we could reconsider matter on basis of facts then existing." (721.11/2-1550)

The Department's telegram 51 of February 15, not printed, in part conveyed the Department's rejection of Ambassador Beaulac's proposal. (721.11/2-1350)

821.10/2-2150

Memorandum by Mr. Albert H. Gerberich of the Office of North and West Coast Affairs to the Director of that Office (Mills)

CONFIDENTIAL

[WASHINGTON,] February 21, 1950.

Subject: ARA position re Colombian Eximbank and International Bank loan applications

John Cady¹ talked over with me the loan applications before the two Banks at length yesterday afternoon. He feels that the time may have come to re-examine our position² vis-à-vis the Colombian applications for these reasons:

1. The economic situation in Colombia is better: her commercial indebtedness has been paid off, she closed the year with a balanced budget, her dollar and gold reserves now total more than \$120,000,000, the balance of payments situation is better. Dollars are rolling in from coffee sales.

2. Colombia has met the conditions imposed by the International Monetary Fund and Eximbank in our telegram of August 1948.

3. It is questionable that the state of siege can be considered bad for Colombia, from one point of view. It has resulted in restoration of order, which in turn has improved the economic situation. We must

¹ Of the Office of Regional American Affairs.

² In a memorandum dated March 2, 1950, Mr. Gerberich said in part that the ARA was not inclined to recommend favorable consideration of Colombian loan applications by the IBRD or the Export-Import Bank as long as a state of siege existed in Colombia. He implied that this policy had been established in January 1950 by Ambassador Beaulac and Mr. Miller. (821.10/3-250)

ask ourselves whether it is the part of wisdom to oppose the applications on this ground.

4. We must ask ourselves if we are treating Colombia equitably. Argentina is nearly bankrupt, yet she is receiving favorable consideration for loans;³ Chile has received a loan to establish a competitive industry,⁴ yet Chile does not permit a US oil firm to operate there; Bolivia has actually received a couple of loans totaling about \$7,500,000 to go into the oil business;⁵ Mexico has driven out American oil interests, yet is favored with loans.⁶ He does not think Ambassador Beaulac's argument that the oil companies should be better treated before we grant any more loans is very realistic.

5. He says we loaned \$77,000,000 in all to Latin America in 1949, and the other republics paid back \$34,000,000 on old loans—a net risk of about \$43,000,000 in all. In the same year we poured billions into Western Europe and the near East, most of it in outright grants. This gives the Latin republics good cause to complain of unfair treatment.

He had other minor arguments that I won't go into. The upshot of it all is that he agreed with me to prepare a paper, stating the problem thus: Has there been sufficient improvement in the political and economic situation in Colombia to warrant a revision of the Department's position re pending loan applications? If we decide that there has been, then we should make new recommendations. If we decide to stick to our previous policy, we should spell out plainly what we expect the Colombians to do to qualify for loans—i.e., not tell them they must provide healthier working conditions for US interests, but state what those conditions should be.⁷

³ For documentation regarding U.S. loan policy towards Argentina, see pp. 691 ff.

⁴ Reference is presumably to a credit to Chile of \$48 million for steel mill equipment authorized by the Export-Import Bank, September 11, 1945. For documentation, see *Foreign Relations*, 1945, vol. ix, pp. 809–824.

⁵ For documentation regarding U.S. assistance to Bolivia for petroleum development, see compilations treating Bolivian-U.S. relations in *Foreign Relations* volumes for 1942–1949.

⁶ For information on U.S. development loan policy towards Mexico, see pp. 936 ff.

⁷ Documentation indicating precisely when or why a change occurred in this policy has not been located in State Department files. However, see the section headed "Attitude toward Democratic Institutions" in the Policy Statement for Colombia dated May 8, 1950, p. 822.

Beginning with an authorization of May 24, the Export-Import Bank authorized credits to Colombia totaling \$6,095,000 during 1950, of which \$3,250,000 represented the completion of action on previous commitments. In November 1950 the IBRD authorized two loans to Colombia totaling \$6.1 million.

911.5321/4-350

*Memorandum of Conversation, by the Ambassador in Colombia
(Beaulac)*¹

CONFIDENTIAL

BOGOTÁ, March 31, 1950.

Participants: The Minister of Foreign Affairs, Dr. Evaristo
Sourdis
The Ambassador

Subject: Shipping Discriminations on the Part of the Flota Mercante Grancolombiana

I told the Minister that I wanted to discuss the case of the Flota Mercante Grancolombiana² with him in outline and leave additional details to be discussed later on.

I told him that the Flota, soon after its organization, had accepted an invitation to join several steamship conferences in the United States. Experience of many years has shown that only through the medium of steamship conferences can fair and economic competition among lines of diverse nationalities engaged in international trade be assured. Departure from the Conference system inevitably results in ruinous competition which brings no good to anyone.

The rules of the various Conferences are approved by the United States Maritime Commission.

One of the rules accepted by the Flota when it joined the Steamship Conferences was that southbound freights should be collected in dollars. The reason for that rule is obvious. The dollar today is the only convertible currency in the world. Steamship lines engaged in international trade have costs in different currencies, some of them in many currencies. Dollars can be immediately, and without limit, converted into any currency desired. It is no discrimination against the Flota, for example, to have to accept freights in dollars because it can convert its dollar immediately into Colombian pesos if it so desires. It is a discrimination, on the other hand, for an American line to be required, for competitive reasons or other reasons, to accept freight payments in Colombian pesos since the peso is not convertible into dollars or any other currency.

Soon after entering the Conferences and accepting their rules, including the provision for payment of southbound freights in dollars, the Flota nevertheless began to collect southbound freights in pesos.

¹ Transmitted to the Department by the Ambassador in his despatch No. 372 from Bogotá, April 3, 1950, not printed.

² For previous documentation regarding discriminatory treatment of American shipping interests by Colombia, see *Foreign Relations*, 1947, vol. VIII, pp. 554-569

The Exchange Control Commission encouraged this practice by granting dollars for imports on a F.O.B. basis instead of on a C.I.F. basis as had been the custom. Importers immediately began to direct their cargo to the Flota for two reasons: first, they wanted to conserve all their dollars and spend them on merchandise, and second, even those still willing to pay dollars for freight were unable in many cases to obtain the dollars for that purpose from the Exchange Control Commission.

As a result, the Flota Mercante Grancolombiana, a new line, within a short time was carrying into Colombia from the United States more cargo than all the other lines combined. It could not seriously be alleged that the near monopoly which this new line had obtained for itself within two years was the result of superior efficiency. It was due entirely to discriminations against foreign lines engaged in by the Flota and by the Exchange Control Commission of the Colombian Government.

Last fall I had discussed this matter with the then Minister of Foreign Affairs, Dr. Eliseo Arango. The latter had immediately grasped its significance. After giving the matter study, and presumably after having consulted the President, the Minister had told me that he had told Dr. Alvaro Diaz, General Manager of the Flota, that it was the desire of the Colombian Government that the Flota arrive at a friendly solution of this problem with the other Conference Lines. Dr. Diaz, with authorization from the Board of Directors of the Flota, had gone to New York and had signed an agreement³ with the Conferences promising to revert to dollar collections completely by June 30, 1950. I left a copy of the Agreement with the Minister after reading to him the pertinent passages.

The process of reversion to dollar collections was to be gradual. However, to date there are no indications that the Flota is carrying out or intends to carry out the Agreement. Representatives of Conference Lines are in Bogotá endeavoring, unsuccessfully so far, to see Dr. Diaz.

In view of all the foregoing I asked the Minister to please interest himself in the matter in an effort to see that the two agreements freely entered into by the Flota, the last one at the instance of the Colombian Government, were carried out by the Flota.

I told the Minister that I attach great importance to this case. It involves the principle as to whether relations between Colombia and the United States will be characterized by cooperation or by discrimination. Discrimination will not work in the long run. The United States has means to protect American lines against foreign discrimination. If worse comes to worse it can exclude ships of the Flota from

³ The Spanish text of this agreement, signed October 17, 1949, forms part of enclosure to despatch 457 from Bogotá, April 21, 1950, not printed. (911.5321/4-2150)

American ports and if no solution is reached to this problem, some such action by the Government of the United States will be inevitable.

I hoped, however, that it would not reach this stage. I hoped that the matter could be settled through the friendly intervention of the Minister of Foreign Affairs. I said that I had drawn up a lengthy memorandum giving the history of the case but that I had decided not to leave it with the Minister yet. So far my intervention in the matter had been purely oral and I preferred to leave it that way, but I might decide that it would be necessary for me to leave something in writing and, of course, if the Minister wished to receive the memorandum I would be glad to give it to him.⁴

I said that it was difficult for me to anticipate what Dr. Diaz' attitude would be since he had avoided communication with the Conference and Conference Lines since he signed the Agreement in New York in October, but I had heard indirectly that Dr. Diaz had alleged on at least one occasion that the Flota was not bound by the October Agreement because publicity to the Agreement had been given in the newspaper *El Relator* of Cali some time ago. This publicity, according to Dr. Diaz' alleged statement, contravened an oral agreement between Dr. Diaz and representatives of other Conference Lines that the Conference or other Conference Lines would not give publicity to the Agreement but that the publicity which must necessarily be given to the Agreement in Colombia, if the Agreement were to be carried out, would be given by the Flota itself.

I told the Minister that any allegation by Dr. Diaz that the Flota was relieved of having to carry out the October Agreement because of the publicity that had been given to the Agreement in *El Relator* could not be supported inasmuch as no evidence had been presented or probably could be presented that the Conference or any other Conference Line was responsible for the publicity given in *El Relator*, and it is a well known principle of law that agreements cannot be vitiated by the acts of third persons. I said that even though the October Agreement had been vitiated, however, which was not the case, the Flota was still bound by the terms of the original Conference agreements to collect southbound freights in dollars.

Dr. Sourdis said that he was aware that there was some difficulty of the nature that I had mentioned but that he had been unaware of any obligation on the part of the Flota to collect southbound freights in dollars. The matter was obviously very important to the Flota's economy. He would talk to the President⁵ and officials of the Flota

⁴ Ambassador Beaulac handed to Minister Sourdis on April 5 an *aide-mémoire* on the shipping problem. It was forwarded to Washington as enclosure 2 to the despatch cited in the previous footnote.

⁵ Mariano Ospina Pérez.

and give the matter his most earnest attention. He would let me know as soon as he had something to communicate.

I thanked the Minister.⁶

⁶ In telegram 99 to Bogotá, April 5, the Department informed the Embassy in part that it strongly endorsed the position taken by the Ambassador in this conversation and that Department officers were discussing the freight rate problem with the Colombian Embassy. (921.53/4-550)

611.21/4-350

Memorandum of Conversation, by the Director of the Office of North and West Coast Affairs (Mills)

CONFIDENTIAL

[WASHINGTON,] April 5, 1950.

Subject: General Conversation with Colombian Ambassador

Participants: Sr. Eduardo Zuleta Angel, Colombian Ambassador
Assistant Secretary Edward G. Miller
Mr. Sheldon T. Mills, NWC

The Ambassador gave a rather lengthy discourse on the current situation in Colombia as a result of his recent visit to Bogotá. He stated that he had talked with both the President and the President Elect, and both supported action without delay to improve relations with the US by:

1) Negotiation of a FCED; the Ambassador expected to send Mr. Mills a memorandum this week; wherever the Colombian Government proposes alternative wording, the wording it will suggest generally will be that from our FCED treaty with Uruguay.¹

2) Negotiation of double taxation and estate tax agreements: Mr. Miller stated that he had spoken to the Secretary as well as to Mr. Martin of the Treasury asking that the latter Department take action on this.²

3) A lend-lease Agreement settlement.³

4) A bilateral aviation agreement.⁴

¹ File 611.214 for 1950 and 1951 contains detailed documentation regarding formal negotiation of the Treaty of Friendship, Commerce, and Economic Development with Colombia, which began in Washington on June 6, 1950. The Treaty was signed in Washington, April 26, 1951, but has not gone into effect. An editorial note concerning its negotiation and subsequent history will appear in a forthcoming volume of *Foreign Relations*.

² In a memorandum of July 5, 1950, to Leroy D. Stinebower, Director of the Office of Financial and Development Policy, Frederick Livesey, an Adviser in the Office, said in part that negotiations were not proceeding because the Treasury Department disapproved a number of clauses in the proposed agreement, among them one which would have exempted U.S. corporations from paying surtax on dividends received from Colombian subsidiaries. The Treasury felt it improper to grant such relief on a bilateral rather than a general (and legislatively approved) basis. (611.21921/7-550)

³ See the memorandum by Charles W. Kempter of the Lend-Lease and Surplus Property Staff, April 13, *infra*.

⁴ An air transport agreement with Colombia was not signed until 1956. A memorandum of March 3, 1952, by John L. Hill of the Aviation Policy Staff, contains a detailed review of Colombian-U.S. aviation negotiations from 1945 until its date. (611.2194/3-352)

He also told Mr. Miller that the President had assured him that censorship would be lifted in Colombia soon. The Ambassador explained that strangely enough Holy Week is the time of the greatest consumption of alcohol and of disorder in Latin American countries so that the lifting of censorship will be sometime after this season is passed. He asked that this plan be considered confidential for the moment.

The Ambassador talked at length about the disorders caused by certain members of the Conservative party in rural parts of Colombia and of the public condemnation of such activities by both the President and Sr. Gomez, the President Elect. He also talked about the time when Congress will be reconvened and indicated that there was a good chance that some Liberals will agree to collaborate so that the danger of the liberal majority trying to throw out President Ospina is not, in his opinion, too great.

[Here follow references to matters unconnected with Colombian-United States relations.]

721.56/4-1350

*Memorandum by Mr. Charles W. Kempter of the Lend-Lease and
Surplus Property Staff*

CONFIDENTIAL

WASHINGTON, April 13, 1950.

At 11 a.m., Thursday, April 13, 1950, the Governments of Colombia and the United States exchanged notes agreeing upon terms of settlement of the Colombian lend-lease obligations arising out of defense aid transferred under the Colombian Lend-Lease Agreement of March 17, 1942.¹

Transmitted herewith² are mimeographed copies of the following confidential documents for the information of interested officials of the United States Government:

1. Text of the Colombian Government's settlement proposal made in the Embassy's note No. 374 of March 16, 1950.
2. Text of the Department's note of April 13, 1950, specifying terms of acceptance.
3. Text of the Colombian Embassy's note No. 482 of April 13, 1950, concurring in terms of settlement.

The signing and exchanging of these notes constituted the formalization of the *Colombian Lend-Lease Settlement Arrangement* whereby terms have been reached for the full and final liquidation of Colombia's residual obligations to the United States arising out of

¹ Text is printed in *Foreign Relations*, 1942, vol. vi, pp. 189-192.

² None printed.

defense aid supplied under the terms of the basic Lend-Lease Agreement of March 17, 1942.³

A waiver of any claims, not specifically covered by the terms of settlement, of either Government against the other, arising out of lend-lease, is included (see numbered paragraph 9 of the exchange of notes).

³ According to the texts of the notes exchanged on April 13, the amount of the settlement was \$1,092,406.87, which was the balance due on a total payment responsibility of \$3,492,406.87. Lend-lease rendered to Colombia was valued at \$7,858,701.33.

Documents in file 721.56 for 1951 indicate that Colombia completed payments under the Settlement Arrangement on October 5, 1951.

821.413/4-2750 : Telegram

The Secretary of State to the Embassy in Colombia

CONFIDENTIAL

WASHINGTON, April 27, 1950.

117. Zuleta handed Dept today copy reply ¹ to Pattison ltr ² refuting most charges re persecution involving Presbyterians but not others. At the same time upbraids Pattison severely for intervention in politics and insulting remarks directed at Col Govt, Pres Ospina and Laureano Gómez.

Zuleta insisted ColGovt sincerely desirous ending religious violence and urged whenever incidents arise in future they be reported promptly to Min Justice. Suggest you advise missionaries accordingly and assist in arranging interviews if necessary, instructing them report to Emb and Consulates any cases further molestation. If Emb has not already done so, suggest advisability circularizing all Amers emphasizing necessity strict non-intervention Col politics. In view Cong ³ interest continue reporting all developments.

ACHESON

¹ Not printed.

² Daniel W. Pattison, Treasurer-elect of the Board of Missions of the Presbyterian Church in the United States, had released to the press on April 15 a letter written on April 10 to a number of government officials and Congressmen. Extracts from the letter are printed in the *New York Times* of April 16.

³ Congressional.

821.413/4-2850 : Telegram

The Ambassador in Colombia (Beaulac) to the Secretary of State

CONFIDENTIAL

BOGOTÁ, April 28, 1950—6 p. m.

223. Re Deptel 117, April 27. The Embassy will continue to assist missionaries and will advise those who are willing to do so report any future incident to Ministry Justice. It should be remembered that

many, and probably most, American missionaries in Colombia prefer to handle their own affairs without intervention of US Government.

Embassy considers it inadvisable circularize Americans emphasizing non-intervention Colombian politics. Such action by Embassy would be hurtful to American interests and interests of our Government here since it would imply intervention exists.

Whereas Protestant missionaries find it difficult to conceal their preference for Liberal Party and their aversion to Conservative Party, and whereas most converts to Protestant faith are Liberals, there has been no known intervention by missionaries or other American in Colombia's internal politics comparable to intervention by Pattison through his public statement. This public statement has damaged the position of Protestant missionaries in Colombia and has not improved position of US here.

BEAULAC

611.21/5-850

Department of State Policy Statement

SECRET

[WASHINGTON, May 8, 1950.]

COLOMBIA

A. OBJECTIVES

In its relations with Colombia the United States seeks to retain and perfect Colombian cooperation in our plans for western hemisphere defense; to persuade Colombia within the framework of our basic policy of non-intervention, to maintain and perfect her democratic institutions; and by furnishing economic and technical assistance, to help Colombia keep its traditional place as a stable, friendly democracy.

B. POLICIES

Colombia during the first half of the twentieth century has been considered one of the most democratic and orderly nations of the hemisphere. This has facilitated cordial relations and has brought us together on ideological grounds. Throughout the war the Liberal administrations in Colombia cooperated well with the US, and the present Conservative regime has shown a similar willingness to continue collaboration with us and to further the development of an effective Inter-American system.

Increased trade with the US during the war made Colombia more than ever economically dependent upon us. 85% of Colombia's exports came to the US and 72% of her imports were supplied by the US in 1947, as compared with 57% of exports and 54% of imports in 1939.

The geographical position of Colombia on the Caribbean and Pacific approaches to the Panama Canal makes it unusually desirable that the best of relations be maintained. There is still some resentment over the part the US played in the events leading up to the separation of Panama from Colombia, but the feeling has almost ceased to be a factor of concern in US-Colombian relations. The echoes of it which are still occasionally heard come mostly from Communist groups on the one hand and university undergraduates on the other, usually manifested in political rallies, labor conferences and student demonstrations.

Events in Colombia during recent months have somewhat shaken our faith in Colombian democracy and have presented an obstacle in achieving our objectives. The imposition of a state of siege, restrictions on public gatherings, censorship of press and radio, a presidential election boycotted by one of the principal political parties which resulted in the election of a leader whose friendship for the US and whose devotion to democratic ideals are suspect, country-wide political violence which has not entirely ceased, and a wave of religious persecution, are not factors to inspire confidence.

Internal political situation. An understanding of our policy toward Colombia requires a rather full knowledge of recent political developments there.

Colombia is one of the few Latin American countries where political life is dominated by two traditional parties: the Liberal and the Conservative. The Liberal party represents mainly the middle class, organized labor, the poorer sections of the urban population, and the progressive element of business. Its program includes land reform, advanced social legislation, and industrial expansion. It began its 16 years in power with the administration of Olaya Herrera in 1930. It has been very friendly to the US and toward the general concept of democracy, although there are radicals in the leftist wing who are outspokenly "anti-Yankee."

The Conservative party is representative of landowners, the Church and conservative business interests, and it is also strong among the rural masses in most departments of the country. Some of the most influential Conservative leaders, supported by important elements in the Roman Catholic hierarchy, formerly showed an anti-US and pro-totalitarian attitude, though this has not been so evident since the party came into power in 1946. The President-elect, Laureano Gómez, has been classified in this group. Since his election, he and his supporters have been at great pains to deny an anti-US bias, and have made emphatic declarations that his administration will fight communism relentlessly and give adequate guarantees to US business enterprises and investors.

A continuing factor is the importance of the Roman Catholic Church, which was so strong that until a few years ago no one not enjoying the favor of the Church could aspire to high office in the Republic. The hierarchy usually gives its support to the Conservatives, and under the present administration has begun to regain some of its former power. The Catholic churches and educational institutions and prominent clergymen were special objects of attack by the masses during the rioting of April 1948. The attitude of the Church toward the US, decidedly critical in the past, seems to have become recently more friendly.

In 1946 a split in the ranks of the Liberal Party resulted in the election of the Conservative candidate, Mariano Ospina Pérez, the first representative of that party to hold the presidency since 1930. However, the Conservatives failed to carry either house of Congress, and as a result Ospina has had to cope with a hostile legislature since his inauguration. He endeavored to meet this situation by including equal numbers of Liberals and Conservatives in his Cabinet, but the two groups were never able to work harmoniously together. One Cabinet of "National Union" broke up in 1948 before the Ninth International Conference of American States¹ met in Bogotá but the riots that followed the assassination of the popular Liberal leader, Jorge Eliécer Gaitán, brought the rival group back into another uneasy coalition. This bi-partisan cabinet lasted until May 1949 when the Liberals again withdrew.

The burning issues between the two parties are at present largely political: the Liberals claim that the Conservative administration is trying to pack the police, the election boards and the Government services with its own supporters and that murder and terrorism have been employed against Liberal voters, especially in the country districts. The Conservatives allege that the Liberals, during their long control of the national administration, loaded the electoral rolls with fraudulent voters and that a thorough reform of the whole electoral machinery has been necessary.

In the Congressional elections of June 5, 1949, the Liberal majority was reduced to six seats in the House and five in the Senate. Alarmed by this evidence of waning power, the Liberal leaders in Congress forced through a bill advancing the date of the presidential election from June 4, 1950 to November 27, 1949. When the Supreme Court, dividing on strict party lines, refused to sustain the President's veto, the Conservatives decided to meet the Liberal challenge vigorously and nominated their most bitterly partisan leader, Laureano Gómez, as their presidential candidate. Simultaneously, there was unleashed a wave of terror throughout the country in which the victims were

¹ For documentation concerning this Conference, held at Bogotá from March 30 to May 2, 1948, see *Foreign Relations*, 1948, vol. ix, pp. 1 ff.

nearly always Liberals, although on some occasions the latter tried to retaliate. The situation became so bad that Darío Echandía, the Liberal candidate, announced on November 7 that he was withdrawing his candidacy and that his party would not participate in the elections.

Two days later, President Ospina learned that the Liberal majority in Congress was planning to unseat him, at least temporarily, by bringing impeachment charges. Faced with this threat, he quickly proclaimed a state of siege which had the effect of automatically suspending the session of Congress. The Army restored order, and the elections came off peacefully on November 27, resulting in the unopposed election of Laureano Gómez. The Liberals have made it clear they do not recognize the validity of Gómez' election.

Since November 1949 the Army has been maintaining order throughout the country and the President has been governing without a Congress. A large national police force is being organized under the supervision of a British mission. Economically the position of Colombia has improved during this period: it has paid off all its commercial indebtedness, it closed the year with a balanced budget, it has built up its dollar and gold reserves to approximately \$120,000,000, and soaring coffee prices have vastly strengthened the national economy. However, the situation is unsatisfactory and potentially dangerous, for the Liberal majority has come to consider itself held in subjection by a Conservative dictatorship supported by the Church and maintained by the Army. There can be little doubt that were it not for the repressive measures of the Army and the police there would be serious civil strife today.

Our policy in the present situation is to steer a careful neutral course, striving on the one hand to avoid giving substance to Liberal accusations that the US is arming the present administration to set up a dictatorship of a minority party in Colombia, and on the other hand pursuing our traditional policy of cooperating with the constituted government of the country and abstaining from intervention in domestic political affairs.

Communism and Labor. Since the war the Communist party has resumed its attitude of hostility toward the US. It lost ground in the 1945 elections and suffered a serious defeat in January 1946 when the Liberal Government forbade a strike among the Magdalena River workmen. In 1947 it split into two groups, which reunited in late 1949. It is in strong disfavor with the present government. Confidential reports indicate that there are less than 4,000 in the Communist party; there is at the same time reason for suspicion that some Communists are going underground and allying themselves with Liberals of the extreme left. Despite its decline in numerical strength, and despite the surge of anti-Communist sentiment following the events of April 1948,

communism continues by virtue of its influential position in labor bodies to constitute a potent force which must be reckoned with in Colombia, and no false sense of security should be entertained regarding the long-run dangers of communism there. It is felt, however, that the present Colombian Government could with relative ease suppress the Communists and render them ineffective in the event of a national or international emergency.

The Colombian labor movement was badly split at the Eighth National Labor Congress in August 1946 and for four months there existed two Colombian Federations of Labor one controlled by Liberals and one by Communists. The Colombian Federation of Labor (CTC) has a Liberal President and an Executive Board composed of 6 Liberals and 3 Communists, the latter holding key positions. A rival federation of labor unions, the Union of Colombian Workmen (UTC) was in 1949 given official recognition in place of the CTC. The UTC was founded under Catholic auspices and is still closely connected with the Roman Catholic Church being referred to as a "confessional union" by its enemies.

It is our hope that the CTC will find the way to purge itself of Communist elements and enter into closer relationship with non-Communist international labor organizations. We should impress upon Colombia the necessity of taking precautions to prevent the Communists from seriously jeopardizing the country's economy in the event of a national emergency in particular by sabotaging the petroleum installations.

Collaboration in hemisphere defense. Colombia is of great potential importance in any system of hemisphere defense because of its strategic proximity to the Panama Canal and its frontage on both the Caribbean and the Pacific although at present we do not envisage asking for any bases in Colombian territory for the permanent defense of the Panama Canal. During 1948 and 1949, at the initiative of the Secretary of the Army, a preliminary ground survey was made with Colombian collaboration to determine the possibility of constructing a second interoceanic canal across the Darien Isthmus. It is a policy of the United States to insure that no potential enemy gains a foothold on Colombian territory as a base for operations.

The US has sought to further Colombian military collaboration by permitting the export to Colombia of reasonable amounts of military equipment considered necessary for its internal security. However, Colombia's lack of dollars to pay for military supplies and the shortage of US equipment for sale to Latin American countries are factors which tend to limit the amount of material which is likely to be sold to Colombia under the provisions of the Mutual Defense Act of 1949.²

² Documentation on military assistance policy toward the American Republics is scheduled for publication in volume 1.

We should try to assure ourselves that possible accusations of favoritism for one political party would not make compliance with the requisitions inadvisable and that the arms shipped will not tend to intensify disorder but contribute rather to the maintenance of stability. The amounts should be reasonable and in line with the needs of Colombia's armed strength, not in such excess as to excite suspicion on the part of her neighbors.

It is also our policy to assist Colombia in the standardization of her military methods through US training missions assigned to Colombia and through the training of Colombian military personnel in US army and navy schools. We have now an Air Force Mission, an Army Mission, and a Naval Mission consulting with and advising Colombians.

Attitude toward democratic institutions. We have been much disturbed by recent developments in Colombian political and religious life. Colombia has been under a state of siege since November 9, 1949. During that period the national Congress has not been permitted to meet, nor have any departmental and municipal bodies been allowed to assemble except where the Conservative governors have considered it safe for the party's interests for them to do so. Press and radio are under strict censorship, and the mails, telegrams and cables, and even telephone conversations are subject to official supervision. The Council of State and the Supreme Court, both of which until recently had Liberal majorities, have been brought under control by what the government calls constitutional means. The highest ranking military officers have in many cases been superseded by others of whose pro-Conservative sympathies there can be no doubt. The Liberals charge that throughout the civil service their members have been discharged wholesale and the jobs given to Conservatives; they also charge that coercive measures have been employed everywhere to repress Liberals or bring them into line, and that the police have been hand-picked for expressly this purpose.

There is thus far no indication as to when the state of siege will be lifted. Congress must reconvene when that takes place, and observers on both sides doubt that the government will allow this until by some political deal or coercive measure the Liberal majority in Congress can be overcome and assurance obtained that Congress will not impeach the President or repeal the extraordinary legislation issued by executive decree during the emergency.

During the last months, moreover, there has been a violent persecution of Protestants in at least twelve departments of Colombia. Word has come to the Department from sources considered to be thoroughly trustworthy that from twelve to twenty Protestant churches and chapels have been burned or dynamited, congregations broken up and hundreds of members driven from their homes, in

many cases with loss of life or with outrageous treatment of both men and women. It is charged that this wave of persecution has been in some cases abetted by the Catholic clergy, police and certain public officials. While it is admitted that the religious persecution is closely associated with the political violence, since most Protestants are Liberals, and while there have been no reported deaths of American citizens or serious damage to American property, these outbreaks of religious intolerance are a blot on Colombia's record, and the Conservative party and government cannot escape a share of the responsibility for them. There is reason to believe that the government is aware of this and will take the necessary steps to prevent their recurrence.

We have more than once expressed our concern about some of these developments to the Colombians. For a time the Department was not prepared to recommend favorable consideration of Colombian loan applications during a state of siege. We have discouraged the visits of US naval vessels to Colombia to avoid giving the impression that the US approved of all the actions of the Colombian Government, and we have also discouraged formal visits by high US officials. Recently when the suggestion was made that President-elect Gómez be invited to visit the US, we informed our Embassy that we could not encourage such a visit, both because of the unfavorable press reception he would be sure to have in this country and because the schedule of official visits from Latin America for 1950 is already full. In general, our policy is to persuade the Colombian Government to relax its present restrictions upon democratic institutions and urge it to avoid drifting into a dictatorship of the right. We endeavor to orient our public affairs program so as to obtain more adherents for democratic ideals. In any of our actions seeking changes in internal Colombian affairs we are guided and limited by our strict observance of the principle of non-intervention.

Economic relations. In encouraging economic development in Colombia it is our policy to place emphasis on the improvement of agricultural production and of transportation. Technical assistance is now rendered in a number of fields of activity, including agricultural research, rubber experimentation, combating plant diseases and insect pests, irrigation and power projects, health and sanitation, railway and highway development, the coal industry, civil administration reform, and banking reform. In the financing of development projects, investment of private US capital is encouraged. An effective way to reassure American capital is through the conclusion of a comprehensive treaty of friendship, commerce and economic development, although if such a treaty cannot be obtained, alternative ways of protecting American capital will be explored.

The US-Colombia Treaty of 1846,³ not the weakest of treaties of that period, is nevertheless outmoded and its replacement with an up-to-date Treaty of Friendship, Commerce and Economic Development is being considered under the Department's treaty program. US business interests have been urging a new treaty for some time. A draft of a general FCED treaty was submitted to the Colombian Government in 1942, and revised drafts in 1948 and in January 1950. Exploratory conversations on the latest draft are under way, and it is intended shortly to enter into actual negotiations. The principal impetus to negotiations comes from Colombia's need to attract and our need to protect US capital investment. Colombia has indicated it favors the proposed treaty in principle, provided we also proceed with the final steps in negotiating the income tax and estate tax conventions agreed upon by the representatives of the two countries at Bogotá last year.

With respect to requests for assistance from government agencies in financing economic development projects, it is our policy to favor consideration according to the criteria of economic justification and availability of private capital. We have recognized, however, that emergency requirements such as those that arose from the events of April 1948 deserve unusually sympathetic consideration. At the same time it is US policy to urge Colombia to finance concomitant local currency costs for reconstruction through non-inflationary means, in order among other things to avoid further pressure on the exchange rate by an increase of the circulating medium. We have encouraged Colombia to cooperate with the International Monetary Fund by pursuing fiscal and foreign exchange policies, which, following the devaluation of the peso in December 1948, would result in simplification of controls over international payments.

Protectionist sentiment has increased in Colombia in recent years, inspired by expansion in domestic industries. On two occasions legislative proposals to increase customs duties across the board all but passed. A concurrent movement, which probably never had much serious study, to revise the Colombian tariff system from a specific to an ad valorem duty basis, was abandoned. Post-war price rises that impaired the revenue value of the peso, plus the protectionist motivation, furnished the impetus to the Colombian objective of general upward adjustment. However, the Reciprocal Trade Agreement of 1936⁴ bound rates on many products against increase, and Colombia as a signatory of the ITO Charter was committed to seek tariff reductions. After GATT tariff negotiations broke down, the Trade Agreement

³ For text of the Treaty of Peace, Amity, Navigation, and Commerce between the United States and New Granada, signed at Bogotá December 12, 1846, see Department of State Treaty Series (TS) No. 54, or 9 Stat. 881.

⁴ September 13, 1935; 49 Stat. (pt. 2) 3875.

was jointly terminated on December 1, 1949,⁵ giving Colombia freedom of action. It is hoped Colombia may still adhere to GATT principles and join that organization.

Lend-Lease indebtedness payments are supposed to be made in dollars. Owing to the critical shortage of dollar exchange over the past two years, Colombia has made no Lend-Lease payments. The Department has indicated to the Colombians that it would be willing to negotiate the Lend-Lease agreements to make it possible for Colombia to pay the long overdue dollar obligation in pesos which could be used for the acquisition of real property for diplomatic purposes and for other governmental expenses, but there is a strong probability that Colombia will liquidate this debt in dollars. Recent increases in the reserve position make it possible for Colombia to do this.

The Colombian Government has indicated that the Tropical Oil Company's De Mares Concession, which expires in 1951, will not be renewed. Apparently the government plans to operate the property as a federal enterprise, although it appears to be interested in the possibility of making arrangements with a technically qualified company to manage operation and development of the Concession. Colombia's decision is indicative of a trend that is unfavorable to the expansion of petroleum production by foreign companies. An amendment to the petroleum law, promulgated as a decree law on January 4, 1950, failed to provide the incentives for new oil developments or to grant the companies the relief they had hoped for. The companies also object to compulsory arbitration on all issues, as well as labor's attempt to invade the field of management, maintaining that the ultimate result would be complete labor domination of the industry and the forced withdrawal of foreign oil firms from Colombia. It must not be overlooked, either, that the world petroleum situation has changed since the war to one of long supply. Oil companies operating in Colombia are cutting back production in other countries and opportunities for oil development are far more favorable in other areas such as Canada. As a result of this unfavorable situation a number of oil companies have recently withdrawn from Colombia and the drilling of exploratory tests has come to a standstill. Future developments in the Colombian petroleum industry, especially the nationalization aspect, will depend in large measure upon broad political developments. There is considerable support for nationalization from Liberal and Communist labor groups.

Although the assistance of the Embassy has been requested by the oil companies on these issues, our policy is on the one hand to avoid intervening in internal Colombian labor affairs and on the other hand to see it that US oil interests receive fair treatment as long as their

⁵ By terms of an exchange of notes in Washington on October 12, 1949, *United States Treaties and Other International Agreements* (UST), vol. 2, p. 569.

concessions are in force and adequate payment is provided in the event of expropriation. We also desire to prevent the important oil fields of Colombia from falling into unfriendly hands.

The Olaya-Kellogg air pact of 1929,⁶ concluded in the days when international air operations were limited to flying boat services, is now obsolete and it is contemplated that a new agreement will be negotiated, based on the "Bermuda" principles.⁷ It is US policy to give Colombian civil aviation such support as is necessary to let it play its natural part, as indicated by its strategic position in the western hemisphere air transportation pattern.

While we do not wish to obstruct the creation and development of merchant fleets by any foreign country and recognize the right of nations to subsidize their merchant shipping, we do object to the strengthening of their merchant fleets through discriminatory practices against US shipping. We have consequently registered our objections to certain discriminations adopted by the Colombian Government for the protection of the Gran Colombiana Merchant Marine, owned jointly by Colombia, Venezuela and Ecuador. These discriminations include freedom of the Gran Colombiana vessels from the payment of port dues, income tax, and inheritance tax, to which foreign vessels are subject. This is against our traditional policy of national treatment of shipping, which is extended to Colombian vessels in US ports. We have also called attention to the action of the National Coffee Growers' Federation, a semi-official Colombian agency which has financed the Colombian investment in the joint merchant marine, in pressing for the shipment of coffee in Gran Colombiana vessels. On the other hand, Colombia objects to the US requirement that goods shipped abroad as purchases through Export-Import Bank loans be carried in US ships. Complaints that the Gran Colombiana was accepting payment for southbound freight in pesos, contrary to Conference provisions, were settled by mutual agreement with the Conference in New York recently after the Department and the Embassy had brought to the attention of both parties the advisability of settling this dispute.⁸

C. RELATIONS WITH OTHER STATES

Colombia's relations with her neighbors—Panama, Ecuador, Brazil and Venezuela—are generally friendly. Colombia, as the most centrally located, has been the foremost promoter of the "Gran Colombiana" idea: that is, the reuniting of Colombia, Ecuador and Venezuela—and, it is hoped, Panama—into one nation. The drawing together of these

⁶ The exchange of notes in Washington on February 23, 1929, is printed in *Foreign Relations*, 1929, vol. II, pp. 882-884.

⁷ For documentation regarding the Bermuda air agreement and relevant information relating thereto, see *ibid.*, 1946, vol. I, pp. 1450 ff., and *ibid.*, 1949, vol. I, pp. 789 ff.

⁸ Reference is apparently to the agreement cited in footnote 3, p. 824.

countries along economic and cultural lines is sympathetically regarded by the other Republics, but no political union is contemplated in the predictable future. The formation of the Gran Colombiana Merchant Marine and the calling of the Gran Colombiana Economic Conference at Quito in July 1948 indicate that economic and cultural cooperation between the three countries is becoming more positive than hitherto. Our policy is to encourage such cooperation, provided it does not result in discrimination against other nations.

Colombia, more sympathetic to Ecuador and with a latent fear of Peru, avoids becoming involved in any disputes between those two countries. The "Leticia Settlement" of the Amazon frontier in 1933⁹ was satisfactory neither to Colombia nor to Peru, and Colombians privately support Ecuador's contention that a third of her territory was taken by her neighbor. Colombia fears that Peru may again attempt to enforce its claim to all the land south of the Caquetá, if Peru feels the moment is propitious. In early 1949 relations became strained because of the refusal of the Peruvian Government to grant a safe conduct to the Aprista leader Haya de la Torre, who had sought asylum in the Colombian Embassy at Lima; this dispute has been referred to the Hague Court for solution by agreement of both countries concerned. As a matter of policy, we make every effort to prevent any threatened deterioration of relations between Colombia and Peru.¹⁰

During 1948 there was tension between Colombia and Venezuela, based primarily on the conviction of President Ospina and his advisers that Rómulo Betancourt and his dominant Acción Democrática party were hostile to his administration and desired its overthrow. Since the *coup d'état* of November 24, 1948, in Venezuela, there have been no indications of any further misunderstanding between the two countries.

Diplomatic relations between Colombia and the Soviet Union were suspended in May 1948. The Colombian Government gave as its reason for this step the total absence of economic and spiritual ties between the two countries and the difficulties placed in the way of the Colombian Legation in Moscow in carrying out its official functions. The Legation in Bogotá had been considered one of the most important missions of the USSR in Latin America.

The present administration is in favor of closer relations with the Franco regime in Spain, and would like to see it accepted on a more cordial basis by other UN nations. The Colombian Mission at Madrid has recently been raised to the status of an Embassy.

Colombia's record of participation in the affairs of the Inter-American system has been excellent. It was one of the first countries to ratify

⁹ For documentation, see *Foreign Relations*, 1933, vol. iv, pp. 384-582.

¹⁰ For documentation concerning developments during 1950 in the case of Sr. Haya de la Torre, see pp. 982 ff.

the Inter-American Treaty of Reciprocal Assistance¹¹ signed in Rio in September 1947 and has played a leading part in insisting in its effective implementation in suitable cases. Colombia has also cooperated well with us in the United Nations Organization. It was represented on the Security Council from January 1947 through December 1948, and on the whole advanced generally constructive proposals. The Chief of the Colombian delegation at that time worked hard on the Berlin question and was most helpful on the Palestine question. In the General Assembly in 1949, however, Colombia cooperated with us on most issues, but took a leading role in urging the adoption of a plan for the internationalization of Jerusalem, which we considered unrealistic and unfortunate. In April 1948 Colombia was appointed one of the five members of the UN Commission for India and Pakistan, and the Colombian representative played an active part in the Commission's deliberations.

D. POLICY EVALUATION

Colombian support of US objectives during the past war was excellent and effective. Colombia severed relations with Japan on December 8, 1941, with Germany and Italy on December 19, 1941, and with Vichy France on November 26, 1942. It later proclaimed a state of belligerency with both Germany and Japan, granted the use of naval and aviation facilities, including a temporary seaplane base at Cartagena (later moved to Barranquilla) for submarine patrol in the Panama Canal defense area; nationalized the German-controlled aviation network SCADTA; was cooperative in detention and repatriation of enemy aliens; and permitted the US to develop strategic products, notably rubber and cinchona. There is every reason to believe that in the event of another world conflict its contribution would be equally prompt and generous.

The temperament of the Colombian people and the long record of internal peace make unlikely any serious degree of international instability which could be exploited by a foreign power to our disadvantage. Despite the uprising of April 9, 1948, brief riots and misfired plots in 1944 and 1945, and civil disturbances in 1949, Colombia has had no violent overthrow of government or civil war since 1903, and the traditional respect for law and order should enable the country to overcome such threats. The loyalty of the army to the Government since the declaration of a state of siege on November 9, 1949 was reassuring in its indication that the Army intends to abstain from politics. It thus appears that our policy of neutrality has proved adequate to the circumstances and that little would be gained and much

¹¹ Text is printed in Department of State, *Treaties and Other International Acts Series (TIAS) No. 1838*, and 62 Stat. (pt. 2) 1681.

lost by abandoning our attitude of complete non-intervention in Colombian internal political affairs.

Apparently as a result of informal representations in the Department and at Bogotá regarding the distress of Colombia Protestants caused by attacks of religious fanatics, the Department was recently informed¹² that President Ospina has issued instructions to the governors of all the country's departments that they shall see to it that this persecution ceases.

In the economic field our activities have yielded mixed results: we have been successful in protecting certain American commercial interests, such as the shipping lines, and have persuaded the Colombians to undertake formal negotiations for a treaty of friendship, commerce and economic development, but we have not succeeded in inducing the Colombian Government to modify its system of economic controls so as to create an atmosphere favorable to the free inflow of American private capital. Loans by the Eximbank and International Bank have enabled Colombia to shore up its economy at points of crucial weakness: road and rail transport, electric power, and agricultural production. However, the Banks cannot be expected, nor would their resources permit it, to extend loans in such volume as to carry the major portion of Colombia's capital requirements for economic development. The Colombian Government and private capital must make the largest contribution, with the Bank providing supplemental assistance. This calls for a continuance of our patient efforts to improve the conditions under which private investment operates in Colombia.

We should make every effort to guarantee that Colombian support of US objectives is more effective by establishing an identity of democratic purposes, using more fully all of our present methods, such as: technical assistance, including the training of technicians and students in the US; Eximbank and International Bank loans for sound projects, while encouraging conditions that will be attractive to private developmental capital; and direct military collaboration. These methods would serve to strengthen Colombia as a component country of the hemisphere for common security and prosperous economic and cultural interchange, as well as to obtain more unqualified short-term political cooperation from Colombia.

We have made important contributions to the physical and social betterment of Colombia through the establishment of a national school of nursing, constructing and equipping eight hospitals and six health centers, supervising programs for the control of malaria, typhus, goitre and yaws, directing sewage disposal projects, and giving advice and leadership in the improvement of nutrition. Our tech-

¹² By Ambassador Eduardo Zuleta Angel, in Washington. (Memorandum by Willard F. Barber, Deputy Assistant Secretary of State for Inter-American Affairs, March 14, 1950, not printed.)

nical assistance in irrigation, soil conservation, civil aviation, highway construction, improvement of methods of transportation, and in numerous other fields has resulted in appreciable improvements in the fields to which it has been directed. It is more difficult to assess the achievement of the technical assistance program in terms of gaining support for US policy objectives, since such results are indirect and less tangible. In the expansion of technical assistance contemplated under the Point 4 program ¹³ we must be more careful to select personnel who will reflect credit on the US and maintain cordial and cooperative relations with their Colombian colleagues. Otherwise our monetary expenditures will be in vain.

Our public affairs program is playing an increasingly important role in developing wide popular support for US policy objectives. This program has done much to convince the Colombian people of the falsity of Communist claims to a monopoly on plans for improving the standard of living of the masses. We must, however, make even stronger efforts to come into more direct contact with the "common people" and to influence them towards a democratic solution of their problems. We need also to do more to reverse the trend towards economic nationalism which has been so pronounced in recent years. Both parties have become deeply infected with the desire to control by government fiat the economic processes of the country, and much time and patient effort, not only through the public affairs program but also by all the facilities of our Government will be required before any positive results can be expected.

¹³ For documentation concerning the application of the Point 4 program to American Republics, see pp. 672-690, *passim*.

921.53/5-1050: Telegram

The Acting Secretary of State to the Embassy in Colombia

RESTRICTED

WASHINGTON, May 10, 1950—7 p. m.

134. For Amb from Miller. Deptel May 9.¹ Grace and United Fruit have expressed very strong opposition any deviation whatever from terms agreement and insist that it be put into effect immed.

I personally am seriously concerned over this matter in view direct participation you and I had in negot agreement ² and consequently feel

¹ In its telegram 131, the Department had reported in part its suggestion to the Grace Line that the latter seriously consider Ambassador Beaulac's compromise proposal to which its own initial reaction was favorable. (921.53/5-850)

This proposal in part coupled Minister Sourdis' suggestion of May 5 that southbound freights might be paid in either dollars or pesos (the pesos to be immediately convertible) with Ambassador Beaulac's recommendation of May 8 that the Colombian exchange tax be suspended on such conversions. (File 923.53 for May 1950)

² Of October 17, 1949. See memorandum by Ambassador Beaulac, March 31, 1950, p. 811.

that even though it is not an inter-governmental agreement good faith Colom Govt is committed. Under circumstances feel that serious breach of principle involved which gravely prejudices our relations Colom Govt and which does not augur well for Laureano Gomez promises about favorable treatment Amer business interests. Fact that Coloms dol position has steadily improved during last year underlines seriousness failure Colom to honor its word in this negot.

Before any further discussions with Colom looking to compromise suggest you inform FonMin and Pres my views and particularly about difficulties that may be caused to Coloms standing in US in absence literal compliance with agreement. Have told this to Zuleta tonight and have informed him that this may cause serious difficulties with pending loan applications.

You may also inform Ospina and FonMin that Grace and presumably United Fruit are prepared immed upon effectuation of agreement to commence discussions with Flota re obtaining fair share cargo.³ [Miller.]

WEBB

³ In despatch No. 580 from Bogotá, May 15, 1950, Ambassador Beaulac reported in part that he had carried out this instruction in a conversation with President Ospina on May 11. (921.53/5-1550)

921.53/5-1450: Telegram

The Ambassador in Colombia (Beaulac) to the Secretary of State

CONFIDENTIAL
PRIORITY

BOGOTÁ, May 14, 1950—11 a. m.

262. Embtel 261, May 13, 1 p. m.¹ Following are my present views of Flota matter in light of Díaz projected trip to U.S.

1. Government fully aware of damage to US-Colombian relations from failure to settle Flota matter and anxious to contribute to settling it.

2. Government fears results of direct intervention in Flota more than it does a rate war, which after all would be directed against Flota rather than Government.

3. Sourdis formula² was a sincere effort on part of Government to remove advantage Flota has over foreign lines because of discriminations and it would remove those discriminations. President informed me Thursday³ that it was Government's idea to place Flota and other

¹ Not printed. Mr. Díaz' visit to the United States, which began on May 28, did not result in any resolution of the freight rate dispute.

² For Minister Sourdis' basic proposal, see footnote 1 to telegram 134, *supra*.

³ May 11.

lines on exact plane of equality. Either exchange tax would be eliminated or equivalent tax would be collected from Flota.

4. Sourdis formula is objectionable to Flota which however is probably counting on foreign lines rejecting it.

5. With threat of rate war or acceptance of Sourdis formula by foreign lines facing Díaz and with Government taking side of foreign lines the lines should be in good position to force Díaz to comply with agreement.

6. Díaz will probably try to obtain pooling arrangement. This would be in benefit all lines.

7. There is nothing more the Government feels it can do at this stage.

8. Under circumstances I consider it tactically desirable for me to drop out of the picture and avail myself of statutory leave. Local Grace representatives agree. I therefore plan to fly to New York Wednesday enroute to Pawtucket, Rhode Island to join my family.⁴

BEAULAC

⁴ In telegram 140 to Bogotá, May 16, the Department said in part: "Re Embtel 262 May 14 Dept concurs last Para. Dept most appreciative outstanding work you have done in this matter. For your info only Dept today informed Conference reps that, while it had no objection to Conference working out better deal with Díaz if it cld, Sourdis formula as amended para 3 your 262 May 14 wld remove any basis for diplomatic intervention our part long as it was adhered to by Col Govt." (921.53/5-1450)

921.53/5-1750

*Memorandum by the Assistant Secretary of State for Inter-American Affairs (Miller) to the Economic and Finance Adviser of the Bureau of Inter-American Affairs (White)*¹

RESTRICTED

[WASHINGTON,] May 17, 1950.

Mr. Shea of Grace called today with reference to his conversation with you.¹ Apparently the purpose of his call was to ask us not to reveal to Zuleta or anyone in the Colombian Government that we think the Colombian offer is fair and that we have exhausted our ability to intervene diplomatically in this matter. I told him that in accordance with the agreement arrived at with him, our telegram to Beaulac had refrained from instructing him to ask the Colombians to keep their offer open. I also said that we would not make any state-

¹ The memorandum was addressed also to Rollin S. Atwood, Acting Director of the Office of North and West Coast Affairs, and Charles P. Nolan, Assistant Chief of the Aviation Division. It is uncertain whether "you" at the end of the first sentence is singular or plural.

ments to Zuleta indicating any feeling of satisfaction concerning the alternative suggested by the Colombian Government.²

² In telegram 198 to Bogotá, June 28, 1950, the Department stated in part: "Amer lines now apparently willing discuss formula as best solution provided guarantees included immed conversion and tax treatment placing US lines equal competitive basis Flota. FYI Dept after protracted discussions reps Amer lines considers agreement along lines formula extremely important." (921.53/6-2850) The formula mentioned is that contained in numbered paragraph 3 of telegram 262 to Bogotá, *supra*.

921.531/8-1650

The Ambassador in Colombia (Beaulac) to the Department of State

CONFIDENTIAL

BOGOTÁ, August 16, 1950.

No. 179

Subject: Embassy recommends that U.S. Government give urgent consideration to means to defend American lines against discriminations

I have the honor to refer to the Embassy's despatch No. 161 of August 10, 1950, transmitting Presidential Decree No. 2657 of August 5, 1950,¹ providing for the conversion into dollars or the currency of the respective country of pesos collected by foreign steamship lines for southbound freight.²

The Conference representatives expressed themselves as well pleased with the provisions of this decree and with the informal interpretations given to it. If honestly carried out, the Decree should have the result of placing the foreign lines in a position to compete once more with the Flota Mercante Grancolombiana which, as the Department knows, succeeded in obtaining a nearly complete monopoly of the carrying trade from the United States to Colombia as a result of discriminatory practices made possible by the existence of exchange control in Colombia.

Whereas the Conference representatives are pleased with the outcome of the present negotiation,³ the troubles of the foreign lines are by no means over. Officials of the Flota Mercante Grancolombiana, in conversations with Conference representatives following the promulgation of Decree No. 2657, have threatened to commence collection of northbound freights in pesos. These northbound freights consist

¹ Neither printed. (921.531/8-1050)

² In despatch 174 from Bogotá, August 14, 1950, the Embassy reported in part that representatives of the Flota Mercante Grancolombiana and of the Atlantic-Gulf Caribbean Steamship Conference had agreed that the Flota should bill its southbound freight customers a surcharge equivalent to the stamp tax on exchange conversions. (921.532/8-1450)

³ Reference is to negotiations among the interested steamship companies which began in Bogotá on July 6 and which resulted in the arrangements mentioned above and in footnote 2.

principally of coffee. The Flota has had little participation in this trade. Grace Line representatives attribute this to 1) failure to solicit business and 2) inefficient service. The Flota, according to Grace Line officials, has no one soliciting coffee business. Grace Line has twenty-one solicitors. Furthermore the Flota makes little effort to give the regular service which the Grace Line has specialized in for many years. Coffee importers therefore cannot depend on Flota vessels to deliver coffee on any particular date or indeed at any particular place because of the wharfage difficulties the Company has had in New York. As reported already, Conference representatives are returning to Bogotá on September 5 to begin conversations with the Flota looking to a pooling arrangement for coffee exports.⁴

So long as exchange control exists in Colombia, and in other countries for that matter, the Colombian Government and the governments of the other countries will have a device which it has been proven is capable of driving foreign lines, including American Lines, from these waters. The Government of the United States, so far as the Embassy knows, has no device which is capable of defending American Lines from this kind of discrimination. I have grave doubts that the interests of American Lines can be adequately protected through diplomacy. Whereas Decree No. 2657 is satisfactory under the circumstances to American Lines, it can be modified or abrogated at the will of the Colombian Government. The Colombian Government has it within its power to engage in new discriminations against foreign lines at any time it may wish, and the fact that the Department of State of the United States claims that discriminations exist may not be sufficient to furnish protection to American Lines.

I see little prospect that exchange control will be abolished in many countries of this area in the near future. Assuming that exchange control will continue, I wish seriously to recommend that our Government give urgent consideration to means, probably legislative, which will place the Government of the United States in a position to defend American Lines against discriminations made possible by the existence of exchange control in other countries, and means to prevent foreign governments from dictating the terms on which maritime trade between the United States and the countries concerned shall be carried out.⁵

WILLARD L. BEAULAC

⁴ In despatch 330, September 21, 1950, the Embassy stated in part that representatives of the U.S. lines in the Steamship Conference had signed with Flota officials an agreement giving the Flota a minimum of 35% of the total coffee movement to that line's regular U.S. ports of call. (921.532/9-2150)

⁵ At the conclusion of a letter of September 1, 1950, to Mr. Miller, Ambassador Beaulac commented: "When this Flota business first came up, we made a lot of silly and useless threats to the Colombians. I say silly and useless because they were empty. If we had some real power with which to defend American lines, we would not have to make any threats." (921.53/9-150)

Editorial Note

The Department's press release of October 4, 1950, announcing that the United Nations Command in Korea had accepted Colombia's offer (made September 18) of a manned frigate, appears in the Department of State *Bulletin*, October 16, 1950, page 606.

On November 14 the Colombian Government offered an infantry battalion for Korean duty (*ibid.*, November 27, 1950, page 870.) Pertinent documentation is scheduled for publication in volume I.

821.2553/10-1850 : Telegram

The Ambassador in Colombia (Beaulac) to the Secretary of State

CONFIDENTIAL

Bogotá, October 18, 1950—4 p. m.

281. At request of President Gomez who stated he was dissatisfied with existing petroleum laws, petroleum companies were invited to make suggestions to be incorporated in new petroleum law which would attract foreign capital. After industry meeting Monday to formulate views, petroleum group met yesterday and today in continuing series of meetings with Minister Mines [and] Petroleum¹ to present industry views.²

BEAULAC

¹ Manuel Carvajal Sinisterra.

² In telegram 353 from Bogotá, November 15, 1950, Ambassador Beaulac reported in part the Government had signed a new petroleum law which, among other provisions, removed the limit on the number of concessions a single company could hold and provided incentives for early drilling. (821.2553/11-1550)

821.413/10-2750

The Ambassador in Colombia (Beaulac) to the Assistant Secretary of State for Inter-American Affairs (Miller)

PERSONAL SECRET

Bogotá, October 27, 1950.

DEAR NED: I asked Newbegin¹ to talk to you about the missionary situation here in Colombia.

I am spending at least half of my time on this situation, which threatens to interfere seriously in relations between the United States and Colombia and particularly between the Colombian people and our people.

Extreme statements are being made to Gerberich in Washington by such people as Gigliotti,² who has now charged one of our clerks with

¹ Robert Newbegin, Counselor of Embassy at Bogotá, then in Washington for consultation at the Department.

² Frank Bruno Gigliotti, Vice Chairman of the Commission on Christian Liberties.

giving information obtained in the Embassy to the Papal Nuncio.³ Gigliotti, according to Gerberich, claims to have "confidential sources" within our Government who keep him informed of the activities of such presumptive criminals as the Papal Nuncio in Bogotá. I think we ought to find out who those "confidential sources" are.

Unproved atrocity stories from Protestant sources are being published in the world press. People like Pattison have intervened flagrantly in Colombia's domestic politics. All these things are producing a reaction among the Colombian people which is very unfavorable to us, which tends to cancel out the large sums of money we are spending on our Information Program, and concerning which neither the Government of Colombia nor the Government of the United States can probably do much of anything.

A report from Consul Janz in Cali dated October 23, 1950, says as follows:

"An American mining engineer in Pasto, who says he has lived fifteen years in Colombia and has always received the most friendly treatment in his travels through the back areas of the country, reports that he is now frequently greeted with the epithet "Protestante", though he has nothing to do with the missionaries. Such a term is so unusual and he has encountered it in so many different localities, that he believes its use is not spontaneous but is the result of organized instruction by priests. He says that it makes him feel very uncomfortable, and he has been so annoyed by it that he has written to his senator (Vandenberg), with whom he claims to be personally acquainted."

Now, supposing the priests are responsible for this treatment of Americans? Is there anything the Government of Colombia can do about it? Is there anything the Government of the United States can do about it? Or Senator Vandenberg?⁴ Can we intervene in that situation? I do not even believe that the Archbishop of Bogotá, the Primate of Colombia could do anything about it. The local priests would ignore him if they got worked up about the missionary situation. And there are many signs that they are so worked up.

I am more than anxious to take up specific, documented cases of persecution or injustice to American Protestants which the Department may bring to my attention. I think, however, that the Department should require that organizations operating in Colombia who make complaints to the Department against the Colombian Government should have made their complaints to the Embassy so that we can investigate the cases and question the persons, and should have given the Colombian Government an opportunity to right their wrongs

³ Documents in file 821.413 for 1950 indicate that investigation of this charge failed to substantiate it.

⁴ Arthur H. Vandenberg, Senator from Michigan and ranking Minority member of the Senate Foreign Relations Committee.

before they complain to the Government of the United States. That is the normal and friendly thing to do, and the fair thing to do, and I don't see why we should not be both friendly and fair to the Colombian Government in this as well as in other matters. You know Gonzalo Restrepo Jaramillo,⁵ the Foreign Minister. He is an honest, Christian gentleman and he will cooperate with us to the utmost if we are fair with him. If we are not, he naturally will resent it, and so will the President.

The Department, in its Instruction No. 38 of September 25, 1950,⁶ referred to a "swelling tide of popular resentment" in the United States against Colombia. On the basis of what has been given to me by the Department, that is a gross exaggeration. What I am aware of is nothing more than a routine smear campaign that any organization is capable of carrying out through letters to Congressmen, etc.

I hope there will be no supine yielding to pressure brought by such people as Gigliotti, who, in my opinion, are capable of doing great harm not only to the cause of the Protestants in Colombia but also to relations between Colombia and the United States. On the other hand, I hope that they can be convinced that smearing the Colombian Government and the Catholic Church in Colombia will only do the Protestants harm.

There is another aspect of the whole situation here which I suggest your people in Washington bear in mind. On April 9, 1948,⁷ Communists dressed in priests' robes climbed into the belfries of Bogotá churches and began firing into the mob. At the same time the Communists broadcast over the radio that priests were attacking the people from church belfries. It was finally necessary to shoot the "priests" out of the belfries like one would shoot turkeys out of a tree. The priest episode on April 9 was obviously planned and coordinated. It would be surprising to me, and I am sure it would be to you, if the Communists were not now responsible for at least some

⁵ Mr. Restrepo had taken office with other members of President Gomez' cabinet on August 8, 1950.

⁶ The instruction had concluded: "The Department desires that the Embassy take prompt and insistent action in all cases of reports of violence affecting American citizens and missionary organizations and that it will report in each case the specific action it has taken and the measures taken by the Colombian Government as a result." This conclusion comprehended a number of more specific instructions, one of which read: "Inquiry should also be made regarding the plans of the Colombian Government to make restitution or reimbursement for the losses sustained by any American citizens or organization." (821.413/8-3050)

In a letter of October 5 to Ambassador Beaulac, Mr. Newbegin had said he had discussed the missionary situation with ARA officials including Mr. Miller and that they had stated there was no need to comply with the second quoted sentence. (821.413/10-550)

⁷ For documentation regarding the Colombian disorders of April 1948, see *Foreign Relations*, 1948, vol. ix, pp. 23-69, *passim*.

of the incidents and stories concerning which the Protestants are protesting.

There is another thing our men might bear in mind, and that is that on April 9 several Catholic churches were burned here, the Archbishop's palace was burned, the Apostolic Nuncio's Palace was burned, and the Nuncio himself was chased through the streets in his underclothes. All the fires were carefully set. The Liberal Party has taken considerable credit for April 9. No one has been punished for the foregoing and other "political" crimes, in deference to the wishes of the Liberal Party. The Church knows this, and all of it accounts, to a large extent, for the very bad feeling between the Church and the Liberal Party at the present time, in which the Protestants, as devoted Liberals, have played their part.

The Catholic Church in Colombia today is militantly opposed to the proselytizing efforts of Protestants. I am not judging whether that attitude is right or wrong. But there is no doubt that it exists. People like Pattison and others who have spread atrocity stories and carried on a campaign of hatred and calumny against the Catholic Church and the Conservative Party and the Government down here have their share of responsibility for this situation. I hope that the Department can convince people in the States that it is in their interest to work in a quiet and friendly way with the Colombian Government, and that, unless they are willing to do this, the prospect is that the Colombian Government will consider the missionaries such a liability to it from both a domestic and international viewpoint that it will cease giving visas to missionaries⁸ and Protestant activities here will dry up. I myself would hate to see that because I think properly conducted Protestant activities are good for Colombia and even for the Catholic Church down here.

As I pointed out in my despatch No. 495 of October 24, 1950, Liberal President Alfonso Lopez⁹ asked our Government to deny or limit passports to Protestant missionaries.¹⁰ We can expect a Conservative Government to go farther than that if necessary.

⁸ In telegram 324 from Bogotá, November 3, 1950, Ambassador Beaulac reported in part: "I inquired Foreign Minister concerning report I had that Colombian Government has ordered that no visas be given to new missionaries wishing to enter Colombia. Foreign Minister replied that as matter fact Government now going to be 'very strict' in issuing new visas. . . . I agree with Foreign Minister that whether we like it or not Colombia is within its rights in denying visas to new missionaries and consider that its present attitude is direct and inevitable result of irresponsible and exaggerated publicity and charges by certain Protestants against Colombian Government in US." (821.413/11-350)

⁹ President 1934-1938 and 1942-1946.

¹⁰ In enclosure 1 to despatch No. 495 the Ambassador had said in part that in 1943 Ambassador Arthur Bliss Lane had supported President Lopez' suggestion that the Department limit passports to missionaries and that the Department

I don't like to bother you with this but the whole thing has reached a point where I must bring it to your attention.

[Here follow certain personal references and mention of previous correspondence.]

Sincerely yours,

WILLARD L. BEAULAC

had then adopted a policy of consulting the Embassy before issuing such passports. (821.413/10-2450) For documentation bearing on these assertions, see *Foreign Relations*, 1943, vol. VI, pp. 80-90.

821.413/11-1350

The Assistant Secretary of State for Inter-American Affairs (Miller)
to the Ambassador in Colombia (Beaulac)

PERSONAL SECRET

[WASHINGTON,] November 13, 1950.

DEAR WILLARD: I was glad to have your personal and secret letter of October 27, 1950. It must have crossed in the mails with my letter to you dated October 23,¹ this year, treating of the same subject as your communication. I am not surprised that you are spending so much of your time on the missionary situation in Colombia. You may be sure that we appreciate your thoughtful attention, and that here in the Department we are trying to treat the matter equally seriously. I shall try to explain more fully than I did in my letter of the 23rd of October the situation as we see it, what we are doing here, and what we would like to accomplish.

In the first place, we are trying to exert a restraining, calming influence on the Protestant representatives that come to the Department or who write in. I believe that without exception we have said pointedly that in each and every case where they may have any complaint the matter should be taken up with the local authorities, and if necessary, with your Embassy. We believe that our advice already has tempered actions which might have been taken. You can be certain that we shall continue to try to follow this course because our greatest desire is to see tranquillity prevail in Colombia.

I am impressed with your feeling that the situation as it exists today in Colombia calls for restraint, political consideration, and possibly reduced activity on the part of the Protestants. We are trying to keep in mind that need as we counsel complainants coming to the Department. On the other hand, we cannot overlook the fact that the Protestant missionaries are operating in Colombia under the laws of that country and, at least in some cases, the missions are there by invitation of the Government itself. I do not quite see how the Colombian Government can shirk the responsibility for any mistreatment or any

¹ Not printed.

unlawful restraint of the activities of those missionaries. The report² of the Colombian Government's own investigator admits there have been irregularities. The Government of Colombia claims to be and is accepted as a sovereign member of the family of nations. That in itself imposes upon the Government the need to do something in cases where the Protestants have been illegally treated. You speak of the anti-Protestant attitude existing among the clergy. It seems unlikely that the clergy came to that attitude spontaneously. I am inclined to agree with you that the Communists may have had something to do with the existence of the attitude, and particularly with the intensification of the friction. On the other hand, as you stated in your letter, the feeling has existed for many years.

"The Catholic church in Colombia today is militantly opposed to the proselyting efforts of the Protestants," as you have said. However, it seems to me, that attitude should not mean that the Catholic church shouldn't express its opposition in accordance with the laws of Colombia. While there has doubtless been some exaggeration on the part of the Protestants (as well as the Catholics), there remains no doubt here that the Protestants do have just grounds for complaint.

This brings us to your very proper position that you can only take up specific documented cases of persecution or injustice to American Protestants or damage to their property. I am sure that, as you say, you will take up promptly and effectively every case which you believe is justified. I realize that you are dealing with as ticklish a problem as one normally finds in an entire diplomatic career. Yet it is one that we must handle. We must face it because one of the basic principles on which our Government is founded is that of religious freedom. There is one hope for the present world in which we live, and that is the continued unimpaired existence of these United States to fight for the way of life in which we believe in 1950. Its position will continue unimpaired only so long as the various religious groups in the United States remain in peaceful association. The moment the Protestant churches in the United States realize that their missionaries have been squeezed out in Colombia, there will be a tremendous political reaction here that will bring up the religious issues in these United States. Such an occurrence would delight the Commies, and could so impair the position of the United States Government as to weaken its influence in international affairs. Furthermore, I believe you underrate from Bogotá the actual and potential feeling here. The U.S. public reaction to Argentina's continued attacks on the freedom of the press clearly demonstrates the potentiality of a public cam-

² A memorandum on the missionary situation prepared in the Colombian Ministry of Justice is enclosed with despatch No. 448 from Bogotá, October 11, 1950, not printed. (821.413/10-1650)

paign against Colombia, as does the tremendous furor caused by the attempt to close a small Protestant mission in Italy. Jack McFall³ has said this latter event caused his office more trouble with Congress than any other single subject since he assumed his present position.

Over and above the merits of any individual case, the thing which we most desire to see is a calming of the situation in Colombia so that both Catholics and Protestants can continue to live together in peace. You are far too much experienced for me to try to indicate how to accomplish it. You have mentioned that Arthur Bliss Lane called together the Protestants in Colombia during his tenure of office. Maybe that would now be worthwhile but, whether it is or isn't, our big desire is that you use every effort on every occasion to calm ruffled feelings and try to attain tranquillity. You may be sure that all of us here are going to work to that same end day by day.

Sincerely yours,

EDWARD G. MILLER, JR.

³ Assistant Secretary of State for Congressional Relations.

COSTA RICA

TEMPORARY WAIVER OF PART OF THE RECIPROCAL TRADE AGREEMENT BETWEEN THE UNITED STATES AND COSTA RICA; CONCLUSION OF A LEND-LEASE SETTLEMENT ARRANGEMENT

Editorial Note

By means of an exchange of notes at Washington on April 4, 1950, the United States waived for a one-year period Article I of the Reciprocal Trade Agreement with Costa Rica, signed at San José on November 28, 1936. (The notes exchanged, not printed, are filed under 411.1831/4-650. For text of the Agreement, see 50 Stat. (pt. 2) 1582, or Department of State Executive Agreement Series (EAS) No. 102. For documentation pertinent to the Agreement's negotiation, see *Foreign Relations*, 1936, volume V, pages 373-406.)

Purpose of the waiver was to allow Costa Rica to apply to imports from the United States certain recently enacted multiple exchange surcharges. In an *aide-mémoire*, not printed, which accompanied the United States note, the Department of State said in part that the United States considered the surcharges undesirable and had agreed to the waiver only because Costa Rica had taken the strong position that it could adopt no other method of exchange control under existing circumstances. (411.1831/4-450) Information on negotiations prior to the exchange of notes is in files 411.183, 411.1831, 818.10, and 818.131 for 1950.

On October 18, 1950, at Washington, the United States and Costa Rica exchanged notes which constituted a Settlement Arrangement for Costa Rica's obligations arising out of aid it had received under the bilateral Lend-Lease Agreement signed at Washington, January 16, 1942. (The notes exchanged, not printed, are filed under 718.56/10-950. Text of the Agreement is printed in *Foreign Relations*, 1942, volume VI, pages 235-238.)

Documents in file 718.56 for 1950 indicate that informal negotiations leading to the Settlement Arrangement began soon after the inauguration of Otilio Ulate Blanco on November 8, 1949. Under the Arrangement, Costa Rica agreed to pay \$86,136.81 (an amount determined from a formula set forth in the Agreement of 1942) in three equal annual installments to commence March 1, 1951. Documents in file 718.56 through 1953 show that Costa Rica made all payments on schedule.

CUBA

UNITED STATES POLICY TOWARD CUBA¹

611.37/1-1151

Department of State Policy Statement

SECRET

[WASHINGTON, January 11, 1951.]

CUBA

A. OBJECTIVES

Our objectives with particular reference to Cuba are to: (1) obtain the maximum support of the Cuban Government and people and their collaboration in the defense of the Western Hemisphere and those areas vital to such defense (with particular reference to preserving the U.S. Naval Base at Guantanamo), (2) assist in the development of a healthy Cuban economy, (3) promote mutually advantageous trade and other commercial relations between the United States and Cuba, (4) encourage full observance by the Cuban Government of its international commitments and (5) strengthen the traditional bonds of friendship between the Cuban Government and people and the Government and people of the United States.

B. POLICIES

United States relations with Cuba are affected significantly by geographical and historical forces. Cuba, lying 90 miles to the south of Key West, Florida, is of great strategic importance to the US both because of its location with respect to the Panama Canal and the sea lanes of the Caribbean and because in two wars it has been the major and most readily-expandible source of sugar which has been essential to the war effort of the United States and its allies. The fact that Cuba gained its independence as a result of direct intervention by the United States has also helped provide a unique basis for mutual friendship between the two countries.

As a result of such factors as proximity, climate, historic ties and the stage of economic development of the two countries, commercial intercourse of the United States with Cuba is of much greater importance than that with other countries of similar size. United States private investments in Cuba total approximately three-quarters of a

¹ For previous documentation, see *Foreign Relations*, 1949, vol. II, pp. 623 ff.

billion dollars and Cuba ranks high both among countries importing United States products and among those exporting to the United States. There are therefore firm bases for continued economic cooperation between the two countries.

Although United States-Cuban relations have customarily been characterized by mutual friendship and cooperation, there have been and continue to be a number of sources of friction. Some of these, such as some of our difficulties on trade matters and on maintaining clear channels for radio broadcasting are at least in part attributable to our proximity to Cuba. Cubans resent any tendency on our part to minimize their own contribution in gaining their independence. They still criticize us for having reserved and used the right to intervene in their domestic affairs under the Platt Amendment² despite the fact it was repealed in 1934.³ They are also concerned over their overwhelming economic dependence upon the United States. At the same time they are inclined to assume that their problems are our problems and that we are under a special obligation to solve them. Finally, the Cubans criticize us fully in their press and elsewhere while they remain deeply sensitive to criticism from the United States.

The Cuban Government has shown a growing interest in diversifying the country's economy with a view to reducing its present dependence upon a single crop, sugar. As long as such diversification is in agriculture and in industries that are economically sound it should be advantageous to both Cuba and the United States. It should help to prevent or to mitigate severe economic crises; the resulting elevation of Cuban living standards and purchasing power should lessen communist strength and influence in the island; and trade relations with the United States and the rest of the world should improve.

The Cuban Government, however, has been inclined to favor any new industry without regard to its economic soundness or its relative contribution to the Cuban economy. The Cuban Government, moreover, has been unduly receptive to the pressure of local business and labor groups whose interests may be incompatible with the overall interests of the Cuban people. It has adopted nationalistic employment laws that are regarded by American interests in Cuba as appreciably handicapping their businesses. Cuban labor regulations, under some conditions, have the effect of forcing the utilization of a larger labor force than is necessary, e.g., the regulation that requires that certain merchandise transported from the United States to Cuba in railroad cars by Seatrain or car ferry shall be unloaded after arrival for customs inspection and placed on other cars before proceeding to

² For text of the treaty which contained provisions defining relations of the United States with Cuba, signed at Habana, May 22, 1903, see *Foreign Relations*, 1904, pp. 243-246.

³ Text of the treaty of relations between the United States and Cuba, signed at Washington, May 29, 1934, is printed *ibid.*, 1934, vol. v, p. 183.

its destination.⁴ Previous to the issuance of this regulation, railroad cars proceeded to interior points of destination where customs inspection took place. Cuba's stand on economic matters, generally, has been characterized by a desire to perpetuate its preferential treatment by the United States, particularly with regard to its sales of sugar. For its part, however, it has frequently violated its trade agreement⁵ obligations with the United States.

The Cuban Government has also not demonstrated a fully responsible attitude in the observance of some of its other obligations and commitments. Cuba has persistently failed to meet sizeable long-standing claims of United States citizens and corporations, although the validity of many of these obligations has been judicially recognized in Cuba. It has from time to time tolerated, if not encouraged, the revolutionary activities of the so-called "Caribbean Legion" directed against the Governments of such countries as the Dominican Republic and Nicaragua.⁶

The prevalence of what is graft and corruption by US standards as a traditional feature of Cuban administrations is a factor which must be noted. It has resulted not only in an appreciable curtailment of Government revenues and in the diversion of considerable public funds to illegitimate and unproductive ends but also in the complication of normal diplomatic and foreign business relationships.

The security of the United States, of this hemisphere, and of the remainder of the free world is our first objective. To further this end it is our policy to discuss our international objectives with the Cuban Government and to make known our views on specific international problems with a view to eliciting its fullest cooperation. We seek, by consultation, advice and mutual assistance, to cooperate with the Cuban Government in the development and implementation of measures directed toward the defense of the Caribbean in the event of war. Vital to this defense and to that of the United States is the Guantanamo Naval Base. While the Cuban Government has not raised any question to cast doubt on US tenure of this base, our policy must not take its present status for granted but remain alert for any development which can threaten this position. As a further means of assuring the security and stability of the Caribbean, it is our policy to encourage

⁴ Documents in file 611.37 for 1950 and 1951 indicate that the service to Cuba of Seatrain Lines, Inc., was discontinued in 1950 and was not resumed the following year.

⁵ Cuba and the United States were parties to the General Agreement on Tariffs and Trade, concluded at Geneva, October 30, 1947; for text, see Department of State Treaties and Other International Acts Series (TIAS) No. 1700, or 61 Stat. (pts. 5 and 6).

In addition the two powers were parties to an exclusive agreement supplementary to the GATT, signed at Geneva, October 30, 1947, and a supplementary exchange of notes signed at Washington, December 19 and 22, 1947; for texts, see TIAS No. 1703, or 61 Stat. (pt. 4) 3699.

⁶ For documentation pertinent to Caribbean questions, see pp. 641 ff.

improved relations between Cuba and other countries whose governments it is inclined to regard as undemocratic, such as the Dominican Republic and Nicaragua, and to take appropriate steps to discourage toleration or support of revolutionary movements directed against such governments.

The sound economic development of Cuba is an objective fully in keeping with the Technical Assistance Program and it is our policy to assist Cuba in obtaining that objective through this program and by other appropriate means. Full realization of this objective will require, however, that the Cuban Government and people be made conscious of their primary responsibility in the solution of Cuba's economic problems. Specifically, the Cuban Government must take effective steps to improve the climate for foreign capital investments. Favorable climate would involve protecting US interests against discriminatory treatment, removing within the limitations of the Cuban Constitution, burdensome restrictive measures (such as those related to employment) and deterring unfair and irresponsible practices of labor, in so far as they constitute a barrier to the legitimate operation and development of American investments in Cuba.

We shall discourage whenever possible the creation or expansion of industries in Cuba the existence of which is dependent on a degree of protection injurious to foreign trade and the interests of the Cuban consumer.

In line with commitments under GATT, it is our policy to continue to move in the direction of gradual elimination of particular US tariff preferences to Cuba on products in which other countries are interested.⁷ In doing so, however, we shall give full consideration to the political and economic implications of each proposed change in order not to jeopardize Cuba's political and economic stability. We shall also seek the concurrence of the Cuban Government and request adequate compensation from other countries for any concessions involving reductions in our preferential arrangements with Cuba.

It is our policy to press vigorously for the satisfaction of outstanding legitimate claims of US nationals against the Government of Cuba. It is and has been the policy of the United States to refrain from giving any consideration to making governmental loans to Cuba unless a satisfactory arrangement can be worked out on such claims.

This policy should remain in effect until the Cuban Government makes a sincere and substantial effort to liquidate such claims. Requests for loans emanating from sources other than the Cuban Gov-

⁷ Negotiations on this subject were held between delegations of the two countries in Washington from May 23 to June 27, 1950. An *aide-memoire* of the latter date (not printed) which embodied the understanding reached between the parties is enclosed with a memorandum of June 28 from Albert F. Nufer, U.S. Representative on the IA-ECOSOC, to Ivan White, Economic and Finance Adviser in the Bureau of Inter-American Affairs. (411.37/6-2850)

ernment, however, even though guaranteed by that Government, may be considered by US agencies on the basis of their economic justification.

Should the Cuban Government approach the United States for a loan pursuant to the authorization granted by the Cuban Congress to the Government to negotiate for a loan of \$200,000,000, the matter should be considered in the light of arrangements made for the settlement of the aforementioned claims, the economic soundness of the projects for which the proceeds of the loan are to be expended, and the extent to which granting the loan might enable the United States to realize its other legitimate objectives with respect to Cuban cooperation.

The immediate objective of the United States with respect to Cuban participation in the program for establishing and maintaining clear channels within the standard radio wave bands, is to arrive at an agreement with the Cubans, to which they will adhere, whereby frequencies assigned to US broadcasters and clear channels will be protected and their interference with US broadcasting will be reduced to a minimum.⁸ It is our intention, furthermore, notwithstanding Cuban opposition, to withdraw from the Inter-American Radio Office (OIR) which is located in Habana and which we helped establish, once the functions now handled by OIR for the North American Regional Broadcast Agreements can be transferred to another organization. OIR failed to produce any real accomplishments because of mismanagement under a number of Cuban directors and because it now receives the support financially and otherwise of only a limited number of American republics.

The prices and export market for sugar are inextricably linked with Cuban prosperity and stability, and since the US is by far the largest single market for Cuban sugar, our sugar policy will inevitably have a direct and important effect on the Cuban economy. It is an advantage to the US to have a mutually satisfactory arrangement with Cuba for the sale of Cuban sugar in the US for, among others, the following reasons: Cuba is a large-scale producer and therefore able to expand supplies as needed to meet US consumption requirements; the US, because of a decline in American sugar production and the elimination of other sources of supply, was heavily dependent on Cuban sugar production during the war and would undoubtedly find itself in a similar position in the event of another war; Cuba's climate, soil, topography and proximity give it a comparative advantage in the production of sugar and make the sale of this item to the US a classic example of complementary trade; the volume of the Cuban market for US exports has varied closely with the volume of sugar sales in

⁸ Negotiations held between the United States and Cuba on this question during 1950 did not near completion. Pertinent documentation is in file 937.40.

the US; and, finally, it is of strategic advantage to the US to promote Cuban economic stability. It will be our policy, therefore, to give sympathetic consideration to the participation of Cuban sugar in the US market under the US quota. Furthermore, since Cuba continues to produce a considerable volume of sugar which cannot find a market in the US, we will continue to give sympathetic support to the desire of Cuba to promote reasonable stability of world sugar prices by aiding Cuba in its negotiations for more favorable customs treatment for sugar in other countries and for a mutually advantageous international sugar agreement.

Although Cuba has participated actively in the inter-American system, her compliance with international commitments has generally been poor. It is the policy of the United States to encourage full observance and to bring violations to the attention of the Cuban Government in a friendly manner. If it declines or fails to take appropriate action, appeal will be made to international organizations. In the case of trade agreement violations, the United States will bring these matters before the contracting parties to the General Agreement on Tariffs and Trade as provided in Article XXIII.

In general, it is our policy to welcome Cuba's cooperation on major issues and to demonstrate a friendly and genuine desire to reach agreement on the other issues so that Cuba can become in all matters a collaborator and dependable supporter of the US position in the United Nations and in international affairs generally. This means that a firm yet friendly stand will be taken regarding problems of concern to the two countries, with a view to eliciting Cuba's support on as broad a front as possible and to strengthen the traditional bonds of friendship between the Cuban Government and people and the Government and people of the United States.

C. RELATIONS WITH OTHER STATES

In inter-American affairs, some Cuban officials and politicians associated with the administration party, the "Auténtico" party, show a crusading "democratic" zeal that is a carry-over from opposition resentment against the administration of President Machado who was overthrown in 1933. They are zealously inclined to give sympathetic assistance to peoples in other countries whom they consider to be repressed and struggling for democratic expression. This has resulted in Cuba's initial reaction to support the Nationalists in Puerto Rico and assistance by its officials to the international revolutionary group known as "The Caribbean Legion" despite Cuba's inter-American non-intervention commitments. This group constituted a revolutionary threat to the Dominican Government in 1947; it assisted the present Costa Rican Government to win power through revolution in 1948; and its remnants in Costa Rica later created apprehension in Nica-

ragua. While there is no evidence of Cuban Government implication in an abortive invasion of the Dominican Republic in June 1949—organized by a group many of whose leaders were formerly identified with the “Caribbean Legion”—some Cubans are known to have been involved therein and prominent Dominican revolutionaries continue to find asylum in Cuba.

Following investigation by a committee of the Organization of American States of a complaint by the Dominican Government, the Council of the OAS, acting provisionally as an organ of consultation, declared on April 8, 1950 that armed groups of various nationalities had existed in Cuba in 1947 (and within Guatemala in 1949) which were animated by the unconcealed purpose of overthrowing the Government of the Dominican Republic and that Cuban (and Guatemalan) officials had sympathized and lent aid to such groups, in violation of various inter-American agreements. The Council then resolved, in view of these and other findings, to request the governments of Cuba and Guatemala to adopt adequate measures to prevent the existence within their territories of groups conspiring against the security of other countries and the illegal traffic in arms, and recommended that the governments of Cuba and the Dominican Republic make an effort to arrive as speedily as possible at a settlement of their conflicts.⁹

We have persistently maintained that inter-American treaty commitments must be observed for the maintenance of peace and solidarity in the hemisphere. To ensure such observance the US participated fully in the work of the five-man OAS committee looking toward the elimination of the Cuban friction with the Dominican Republic. The United States has similarly taken an active part in the deliberations of the Inter-American Peace Committee¹⁰ of which Cuba is also a member, looking to the removal of threats to the peace in the Caribbean.

Cuba's relations with her other neighbors have been on a calmer and generally more friendly basis than with the Dominican Republic. Relations with Haiti have generally been cordial although it may be said that this was largely the result of common antipathy for Dominican President Trujillo than because of any particular community of feeling in other political or economic areas. Relations with Venezuela, on the other hand, are not as satisfactory. They reflect Cuban disapproval of the military junta which overthrew the Gallegos¹¹ administration. Recognition of this disapproval in addition to the presence in Cuba of active Venezuelan exiles at one time caused the Venezuelan

⁹ For documentation concerning the events mentioned in this paragraph, see pp. 641 ff.

¹⁰ For pertinent documentation, see *Foreign Relations*, 1949, vol. II, pp. 437 ff.

¹¹ Rómulo Gallegos was overthrown on November 11, 1948, by a military junta whose president was Lt. Col. Carlos Delgado Chalbaud.

government to consider breaking off diplomatic relations. This action was never taken, but the continuation of the fundamental sources of friction make it hard to foresee an improvement in relations in the proximate future. Relations with Mexico have been friendly. The issue which may be considered outstanding between the two nations is that raised by Mexico's claim to a nine mile territorial water limit. Cuban fishing interests (as well as US) complain that this claim excludes them from the desirable fishing grounds that would be open under the conventional three-mile limit and that their operations may be drastically curtailed as a consequence.

Cuban relations with the USSR have deteriorated sharply during the past two years. Reaction to the Mindszenty trial¹² and the more recent Soviet outrages in respect of Korea has been bitter, and the Cuban Government has given serious consideration to severing diplomatic relations with the Soviets. Recent anti-communist legislation introduced in the Cuban Congress appears to have failed of passage not so much because of the influence of the Communists, which is still rather strong in Cuba, as because the legislation was badly drafted. Important anti-communist action has been taken by the executive, however, such as closing down the Communist organ and hampering other propaganda and organizational activity.

Cuba maintains close commercial and cultural ties with Spain, but there is a strong anti-Franco sentiment among the liberal elements of the Cuban populace. This sentiment has prevailed to make Cuba abstain when the issue of restoring relations with Franco Spain has come before the United Nations.¹³

D. POLICY EVALUATION

When Cuban administrations have been convinced that there was any critical international issue at stake, they have generally been fully cooperative with the United States. Cuba cooperated closely with the US during World War II without, however, sending troops to the battle areas. The reiterated assurances of its Government officials and the attitude of the Cuban people indicate that cooperation would be given again if we should become involved in another major war.

President Prío's administration has shown a somewhat better disposition than that of his predecessor, President Grau (1944-1948) to work closely with the United States. Since the beginning of the Prío administration, Cuba has assumed in the United Nations a position closely aligned with that of the United States on major political problems such as Korea and the question of Chinese representation.

¹² For documentation regarding the trial of Jozsef Cardinal Mindszenty, see *Foreign Relations*, 1949, vol. v, pp. 451 ff.

¹³ Documentation on this subject is scheduled for publication in volume III.

Throughout its period of membership on the Security Council, which began January 1, 1949 and ended December 31, 1950, it cooperated consistently with the United States Delegation. It may be added, however, that Cuba has appeared to be at times more concerned with the prestige connected with holding positions of leadership in the United Nations than with discharging the full responsibilities attached to such leadership—an attitude perhaps not atypical of many other countries.

Cuba's attitude on problems of dependent areas, however, has been different. In this field, Cuba has shown great interest and has played an active part in United Nations discussions. The Cuban representative has for several years introduced numerous resolutions and has made outspoken efforts to press the colonial powers to speed up the granting of independence to colonial peoples whether or not they are adequately prepared. This attitude has caused difficulties for the United States, which is seeking a more enlightened and reasonable attitude among both colonial and noncolonial powers and has the stability and security of the Caribbean area in mind as a further consideration. Cuba's attitude is likely to continue to create problems for the United States. For example, there was considerable sympathy, even among official circles in Cuba, for the Puerto Rican Nationalists in their recent attempt to assassinate Governor Muñoz Marín and the Cuban Government failed to inform the Cuban public of the real facts of the Puerto Rican situation.¹⁴

During President Prío's administration there has also been some improvement in our economic relations with Cuba, although these are still not satisfactory. A somewhat more sympathetic attitude has been demonstrated toward the payment of claims of United States citizens against the Cuban Government, although no adequate arrangement has yet been made for such payment.

In the field of tariff and trade agreements, the Cuban Government has agreed to participate in negotiations at Torquay under a procedure which contemplates the possible reduction (but not elimination) of Cuba's tariff preference on sugar in the US market. Cuba withdrew from the 3rd Session of the Contracting Parties to GATT in August 1949 because of failure to receive the support of the other Contracting Parties in a disagreement with the US regarding the right of the US to reduce rates of duty to third countries without Cuba's concurrence. To Cuba this meant a lessening of its preference in the United States market. It has been possible meanwhile for the United States and Cuba to conclude negotiations on a limited number of commodities not involving the question of preference on which

¹⁴ Mr. Miller's press statement of November 2 and Governor Muñoz Marín's telegram of that day to President Prío, both of which touch on this subject, are printed in the Department of State *Bulletin*, November 13, 1950, p. 776.

negotiations were in progress at the time of Cuba's withdrawal from the Annecy Conference.¹⁵

The Cuban Government has also expressed a desire during the past year to reach a mutually satisfactory solution of other pending economic and other problems, but no progress or only very limited progress has been made on most of these.

Various examples of uncooperativeness on the part of Cuba have occurred in our relations in comparatively recent years such as arbitrary reductions on employment of foreigners, employment restrictions, trade agreement violations, failure to pay debts to American citizens, a rather calloused attitude at times toward the difficulties of American companies doing business in Cuba, and the impatience to eliminate US air bases in Cuba promptly after the period of active wartime cooperation. These have been due in no small measure to: (1) a spirit of nationalism fanned by extremists and a vocal communist minority; (2) a psychological feeling of inferiority on the part of a small and comparatively underdeveloped country lying next to a large, powerful and highly developed neighbor; and (3) the low moral and ethical standards of the Cuban governing classes.

On the other hand, the basis for cooperation between the two countries has been strengthened by the self-respect gained by Cuba through full and active participation in the Organization of American States, the UN and related agencies, which has been encouraged by general US policies; the confidence engendered by US policies such as respect for the juridical equality of the other American states and nonintervention in their internal affairs; basic faith in the political, economic and ethical principles practiced in the US, as exemplified in official and private relationships and portrayed in the information program and by other means; and the military security—with complete political freedom—enjoyed by Cuba in its close relationship with the United States.

Cuba has recently given some evidence of a desire to resume more normal relations with the Dominican Republic, principally by return-

¹⁵ On December 27, 1949, the U.S. Government announced that talks with Cuba (concerning the renegotiation under the GATT of Cuban concessions on certain items negotiated originally in 1947) would begin in February 1950. (Department of State *Bulletin*, January 9, 1950, p. 58) For information on results of the negotiations, see *ibid.*, June 12, 1950, p. 980. Difficulties in implementing these decisions are discussed *ibid.*, August 7, 1950, p. 216.

The U.S. announcement of July 20 regarding the intention of the two countries to renegotiate certain textile duties is printed *ibid.*, p. 217. Information about these negotiations is in files 411.3731 and 394.31 for 1950 and 1951, respectively.

The notice of the U.S. intention to negotiate with Cuba at the Third Round of Tariff Negotiations under GATT (which commenced at Torquay, England, September 28, 1950) is printed *ibid.*, August 28, 1950, p. 343.

For documentation regarding the 1949 GATT conferences at Annecy, see *Foreign Relations*, 1949, vol. I, pp. 651 ff. Documentation on the GATT conference at Torquay, England in 1950-1951 is scheduled for publication in volume I.

ing to the Dominican Republic the motor schooner "Angelita", which was captured by the Cayo Confites group that planned the invasion of the Dominican Republic from Cuba in 1947.¹⁶ The two countries are, however, still charging each other with unfriendly acts and cannot be expected to reach any real degree of close cooperation for the time being.

An over-all view of US relations with Cuba, however, can end on a favorable note. The Cuban people and their Government are basically friendly to the United States and have indicated that they generally approve our position on international problems. These circumstances appear to offer us a favorable opportunity to seek the fuller realization of our objectives to the mutual benefit of both countries and the free world.

¹⁶ For documentation regarding the Cayo Confites affair, see *Foreign Relations*, 1947, vol. VIII, pp. 629-663, *passim*.

DOMINICAN REPUBLIC

LIQUIDATION BY THE DOMINICAN REPUBLIC OF ITS REMAINING LEND-LEASE OBLIGATIONS

Editorial Note

In a note to the Dominican Embassy of January 31, 1950, the Department of State acknowledged transmittal by the former on January 3 of a check for \$12,323.92 which, together with an existing credit of \$4,008.95 on Treasury Department books, the Department stated had been applied to full liquidation of the remaining \$16,332.87 due from the Dominican Republic for lend-lease assistance. (739.56/1-350) For the Lend-Lease Agreement between the United States and the Dominican Republic signed at Washington, August 2, 1941, and the Supplementary Agreement signed there August 6, 1941, see *Foreign Relations*, 1941, volume VII, pages 253-257.

Documents concerning the Dominican Republic comprise part of the documentation on United States support of inter-American collective action for peaceful resolution of disputes, pages 641 ff.

ECUADOR

UNITED STATES POLICY TOWARD ECUADOR

611.22/10-250

Department of State Policy Statement

SECRET

[WASHINGTON, October 2, 1950.]

ECUADOR

A. OBJECTIVES

The primary objectives of the United States with respect to Ecuador are to maintain and to strengthen the cooperation of the Republic of Ecuador towards hemisphere security; to continue Ecuadorian support for United States regional and world policies; to encourage the establishment of more stable, democratic and responsible government in that country; and to further Ecuadoran economic development along lines compatible with United States economic and commercial policies.

B. POLICIES

Hemisphere Security. In view of Ecuador's extremely weak military potential it does not appear that she is in a position to take any direct military action herself toward hemisphere security. It is possible, however, for Ecuador to contribute toward the security of the western hemisphere by furnishing military bases for use in the collective defense of the hemisphere in the event of an emergency; maintaining a military establishment sufficient to keep internal order and to prevent sabotage; and through participation in regional defense arrangements and organizations to maintain peace and friendly relations with other states.

During World War II the Government of Ecuador permitted the establishment of United States Naval and air bases in the Galapagos Islands and on the mainland at Salinas. These bases were important to United States military plans since Ecuador is within five hundred miles of the Panama Canal. The bases were evacuated by the US after the termination of the war and returned to the Ecuadoran Government. We believe we can rely upon the friendly cooperation of Ecuador's present Government if renewed base arrangements for United States armed forces are required in the future, particularly in

view of the fact that we complied with our commitment to withdraw our forces after the last war.

Ecuador furnished to the United States during the second world war modest quantities of strategic materials, principally natural rubber, balsa wood and cinchona. There is little doubt that these commodities as well as other products which Ecuador is in a position to supply would be made available to the United States in the event of a future conflict. The Ecuadoran Government offered economic assistance in the form of raw materials to the UN Command to aid in repelling the invasion of the Republic of Korea.

In order to assist Ecuador to build a military establishment sufficiently strong to maintain internal order and to prevent sabotage, the United States has in the past extended moderate amounts of military assistance through lend-lease and interim programs. There are also currently assigned to Ecuador US naval, air and ground missions to assist in the training and organization of that country's armed forces and we have arranged from time to time for the assignment of individual Ecuadoran officers to US military schools and establishments for orientation and training. High Ecuadoran military officials are periodically invited to the US for good-will visits, while ranking officers of the US armed forces make occasional trips to Ecuador for the same purpose.

Ecuador has not yet ratified the Inter-American Treaty of Reciprocal Assistance¹ but became a signatory in November, 1949. Originally the Ecuadoran Government had signified its intention to sign the Treaty with certain reservations. These were subsequently dropped after this Government and some other American states made it clear that Ecuador's acceptance of the Treaty with reservations would be undesirable. The US continues to press through diplomatic channels for early ratification by Ecuador of the Treaty and it now appears likely that Ecuador will take this step when its congress next meets.²

[Here follows a section describing in general terms the alignment of Ecuador with the United States on most regional and world issues.]

Encouragement of Stable Democratic Government. The Republic of Ecuador is one of the most politically unstable countries of South America. It is governed under a constitutional system very similar to our own which guarantees the rights of the individual which we consider to be basic. While it is too early to detect a trend, it is encouraging that the present chief executive, Galo Plaza Lasso, was elected President in an unusually free election (June, 1948). He was educated in the United States and is considered to be capable and enlightened.

¹ Opened for signature at Rio de Janeiro, September 2, 1947. For text, see Department of State Treaties and Other International Acts Series (TIAS) No. 1838, or 62 Stat. (pt. 2) 1681.

² Ecuador ratified the Treaty October 30, 1950, and deposited its ratification November 7.

A cardinal point of President Plaza's policy has been scrupulously to follow constitutional procedures in governmental administration and to permit the utmost freedom of discussion and opinion on all public issues. In short, he has been making sincere efforts to guide Ecuador toward more democratic government.

It is our policy to foster these tendencies by aiding the Ecuadoran Government to raise educational standards and broaden the educational base; to improve governmental administration; to institute modern health and sanitation practices and facilities; and to raise the living standards of the people.

In pursuance of this policy the United States, through the IIAA and the SCC, has entered into cooperative arrangements with the Ecuadoran Government whereby American experts are actively assisting Ecuador in such fields as teacher training, vocational education, disease control, nutrition, maternity and child care, census, transportation, agricultural practices, nurse training, etc. Under these joint programs hospitals, schools, sanitation facilities and the like have been constructed. Other efforts to point the way for Ecuador toward more democratic government are made through cultural centers and US information and exchange of persons programs.

Economic Issues. A country of very limited human and material resources with an estimated national income of \$150 million (\$43 per capita), Ecuador looks to the US for leadership and support in the solution of its economic problems. The immaturity of its political and economic development, the exceedingly low standards of living of the great bulk of the population, and the wide disparity of income between the educated and wealthy groups, and the poor, uncultured classes, provide an opportunity for the growth of Communism or other totalitarian ideology. This situation, by no means new, presents a challenge to Ecuador's current democratic leadership and is of concern to the United States. The extent to which the United States can assist Ecuador to meet this condition is dependent upon the availability of our resources as balanced against the needs of other areas of the world.

It is our policy to aid in solving these problems by furnishing technical and financial assistance to Ecuador in the fields of education, health and sanitation through the Institute of Inter-American Affairs. Other agencies of this Government are providing technical assistance in the development and improvement of agriculture, cattle raising, highway construction, and in various phases of governmental administration. Financial aid is also being rendered the Ecuadoran Government in the construction of highways, waterworks, and other public services by means of long term United States loans at reasonable rates of interest. We have also proposed an FCED Treaty to Ecuador in order to establish a sound basis for the attraction of private United States capital for local economic development. While Ecuador has

shown some interest in this treaty, the Ecuadoran Government has as yet been slow to begin definitive negotiations. While it is our policy to encourage Ecuador to negotiate this treaty since we believe that its effects will be mutually beneficial, we have not vigorously pressed for action because we wish to avoid the impression that its advantages would largely accrue to the United States.

Unfortunately, cooperative programs in education, health, sanitation and agriculture have sometimes been hampered by Ecuador's inability to furnish funds to supplement those supplied by the US to operate programs in those fields. This difficulty can be met principally through progress of Ecuador itself toward a more prosperous economy. For the present, it is apparent that the US should follow a policy of making a maximum financial contribution in the early stages of the programs. Our contributions should then be slowly diminished as these activities bear fruit. It is important, however, that the United States should always insist that the Ecuadoran Government contribute to a reasonable degree to these programs, even in their initial stages, in order to retain the interest of the Government and, of course, to enable it to maintain its self respect.

The lack of important natural resources in Ecuador contributes a serious deterrent to foreign private investment capital. It is questionable whether even under optimum conditions there would flow to Ecuador any large volume of foreign private investment funds. Consequently, Ecuador will doubtless continue to require United States Government financial assistance in the form of loans in order to create conditions favorable to internal economic development. Ecuador's ability to service such loans is very limited. To meet this problem in so far as possible, it is our policy to make loans for economic development in Ecuador on a project basis under liberal terms for developments which will improve that country's foreign exchange position either directly or indirectly. In order to ensure maximum utilization of such loans we try to assure, where possible, that they are coupled with the investment of Ecuadoran Government or private funds and provide for the project to be supervised by competent United States technicians.

Our commercial and trade relations with Ecuador are largely governed by the Trade Agreement of August 6, 1938³ as modified by an exchange of notes of March 2, 1942.⁴ Under the exchange of notes the United States waived its rights under the Trade Agreement to protest projected increases in customs duties by Ecuador on certain products included in Schedule I of the Trade Agreement designed to

³ Signed at Quito. For text, see Department of State Executive Agreement Series (EAS) No. 133, or 53 Stat. (pt. 3) 1951. For pertinent documentation, see *Foreign Relations*, 1938, vol. v, pp. 509-535.

⁴ Signed at Quito. For text, see EAS No. 248, or 56 Stat. (pt. 2) 1472.

meet a financial emergency arising from curtailed exports due to the war. While the waiver had no specific time limitation, Ecuador agreed to reduce and finally to eliminate the duty increases as improvement in its fiscal situation might permit. Such an improvement has not taken place and the waiver is still in operation.

In 1947 Ecuador instituted taxation upon foreign exchange transactions. This system was modified to provide for import quotas and compensation transactions in 1949, but the exchange taxes were retained. While it is our policy to oppose restraints of this type upon international trade, we decided not to protest the 1947 measures reserving our position with regard to future action. This policy was adopted because the exchange taxes were not onerous and formed part of an Ecuadoran program to increase revenues for economic development and protect foreign exchange reserves.

We have made no protest regarding these later (1949) violations of the Trade Agreement and it is questionable whether such action by us would be advisable or effective. If we formally protested, it is possible that Ecuador, which is faced with numerous financial difficulties and exchange shortages, would prefer to let the Trade Agreement lapse. Ecuador intends again to revise foreign exchange controls later in 1950 in consultation with the IMF and a course of US action is now being considered.⁵

Ecuador is a signatory to the Charter of the ITO,⁶ but is not a contracting party to the GATT.⁷

The Government of Ecuador is a partner with Colombia and Venezuela in a joint shipping enterprise, the Flota Mercante Gran Colombiana. Ecuador discriminates in favor of this line by granting a 50% reduction in consular invoice fees to shippers using Gran Colombian vessels. We have repeatedly protested this discrimination since it acts to divert shipments from competing United States shipping lines. While Ecuador has taken no action as yet in response to these representations, President Plaza has promised to take up the matter with Congress this year. The Ecuadoran administration is considering a plan to substitute a direct shipping subsidy for the current discriminatory practice. While this method would appear to offer a solution satisfactory to the United States, it is somewhat doubtful

⁵ On December 1, 1950, Ecuador promulgated new foreign exchange regulations, most of which had the prior approval of the IMF. Documents in the relevant file, 822.131 for 1950, do not reveal a clear United States policy line regarding the new regulations.

⁶ The Havana Charter of the ITO was signed March 24, 1948. It was not ratified by the United States, nor did it go into effect among other powers. Text is printed in Department of State, *Havana Charter for an International Trade Organization and Final Act and Related Documents* (Washington: Government Printing Office, 1948).

⁷ Concluded at Geneva, October 30, 1947; for text, see TIAS No. 1700, or 61 Stat. (pts. 5 and 6).

whether the Ecuadoran Congress will approve it in view of widespread Ecuadoran sentiment for a national merchant marine.⁸

C. RELATIONS WITH OTHER STATES

A long standing boundary dispute with Peru, which resulted in open military conflict in 1941, is in the process of solution under terms of settlement outlined in the Rio Protocol of 1942.⁹ The execution of this Protocol, which sets forth the main features of the new boundary, is under the guaranty of Brazil, Argentina, Chile and the United States. Demarcation of the boundary has proceeded slowly but satisfactorily except for differences of opinion respecting two sectors of the border. One involves the Santiago-Zamora area and is currently the subject of negotiations between Peru and Ecuador. The second is the Lagartococha dispute which involves a jungle area of about seventy square kilometers. This latter dispute was the subject of an Arbitral Award in 1945 to which Ecuador and Peru gave differing interpretations. We have encouraged Brazil (chairman of the guarantors) to call the guarantors together to assist the disputants to reach a settlement. We have proposed that the question of law involved be submitted to an international judicial body for adjudication. Brazil is expected to call a meeting of the guarantors in the near future to recommend means for settling the dispute.¹⁰

Relations with Peru have been cool owing to these boundary differences. The sentiment is general in Ecuador that the Rio Protocol of 1942 accorded Peru a disproportionately large share of the territory in dispute. Furthermore, the existence until recently of a military government in Peru created some apprehension in Ecuador where the memory of the 1941 Peruvian invasion is still fresh.

The uncertain political situation in Colombia has caused anxiety within the Ecuadoran Government. Despite the fact that relations have been particularly friendly with Colombia, it is probable that some imported arms and ammunition have found their way across the Ecuadoran border to supply Colombian dissidents. This situation has given rise to fears that Ecuador may become involved in the internecine dispute in Colombia. In accord with our policy we have refused to license the shipment of certain types of ammunition for shipment to Ecuador to aid that Government to control the illicit traffic.

⁸ For documentation regarding U.S. policy on certain practices of the Colombian and Venezuelan sections of the Flota Mercante Grancolombiana, see pp. 802 ff. and pp. 1019 ff., respectively.

⁹ For the text of the Rio Protocol between Ecuador and Peru, signed January 29, 1942, see EAS No. 288, or 56 Stat. (pt. 2) 1818.

¹⁰ Settlement of Ecuador-Peru boundary disputes did not occur during 1950. Documents on policy of the United States regarding these questions, including its actions as a guarantor of the Rio Protocol, are in file 622.23 for 1950.

A special relationship exists among the four former Gran Colombian countries: Ecuador, Colombia, Venezuela and Panama. In 1948 this feeling of kinship, perhaps stronger in Ecuador than in the other three nations, took concrete form in the Quito Charter. This Charter, as yet unratified by Venezuela and Panama, provides for the creation of close economic and cultural ties between the signatories. It envisages the establishment of a Gran Colombian Economic Council, an eventual customs union, cultural exchanges and close cooperation in the fields of science, industry, communications and finance. While a provisional economic council was established in Caracas in 1950, no action has as yet been taken along the lines laid down in the Charter and it is doubtful at this stage whether this "paper" organization will produce any concrete results. Our policy is not to object to closer economic integration of this group of countries provided it does not result in commercial discrimination against the United States.

[Here follows the remainder of the section "Relations With Other States".]

D. POLICY EVALUATION

Our policies have in general produced favorable results. There is little doubt that the Ecuadoran Government and people are basically friendly and cooperative. Ecuador supported the cause of the United Nations during the war, providing important military bases to the United States and scarce materials for the war economy. It is believed that Ecuador would do so again in the event of the involvement of the United States in war. The Government of Ecuador has consistently supported the United States in its fight against the Communist threat.

Technical assistance furnished by the United States through the IIAA and other US Government agencies has been well received by the Ecuadoran Government and people alike and has demonstrated its practical value in a number of fields. The principal obstacle to continued progress in this direction is the inability of Ecuador to make more than very modest outlays for this type of assistance and to finance construction projects developed through these programs.

It is apparent that all but the most extreme nationalist and Communist elements are convinced that our policy of non-intervention and helpful friendship is genuine. However, there does exist among some elements of the population a latent feeling of envy and suspicion of the United States apparently based partly upon specific acts of United States intervention in Latin America in past years and partly upon the growing disparity between the economic power of the United States and the poverty of Ecuador. This feeling is being countered with some success by our cultural and information programs. The

continuance of these programs is believed to be important to interpret and support United States policies and the democratic way of life.

Assistance granted Ecuador in the form of Export-Import Bank loans to encourage economic development and political stability has been reasonably successful, but many Ecuadorans feel that such assistance has been niggardly, particularly in comparison with what are considered to be our munificent outlays in Europe.¹¹ Moreover, there has been some disillusionment in the Plaza administration that greater financial aid has not been accorded their . . . Government. This is more keenly felt because the present Government has staked its popularity upon economic progress. Many of the members of the business and financial community realize, however, that United States economic aid must necessarily be tailored to Ecuador's capacity not only to repay, but to absorb the loans. The continuance and expansion of this type of assistance is recommended having regard to Ecuador's limited ability to make repayment. To date, Ecuador has scrupulously complied with repayment terms on all its obligations to the Export-Import Bank.

There has been much resentment in Ecuador, particularly within the Government, over the unwillingness of the International Bank for Reconstruction and Development to consider Ecuadoran loan applications while the Government-guaranteed foreign railway loan remains in default. Despite assurances to the contrary, the Government believes that the IBRD is an instrument of United States policy and hence that this country is responsible for Ecuador's inability to obtain loans. Since it appears unlikely that Ecuador will consider itself financially able to resume payments upon its foreign-held railway bonds for some time to come, the loan facilities of the IBRD will remain unavailable to Ecuadoran applicants. So long as the United States plays a predominant role in the IBRD, the Ecuadoran Government will continue to feel that we are principally responsible for this policy.

There is some belief within the Government of Ecuador that United States commercial policy does not fully recognize the problems faced by an underdeveloped economy. Ecuador believes that the reduction of tariffs and other trade barriers is correct in principle, but should be modified to permit of tariff and other protection for small industries in under-developed countries. Moreover, the feeling is held that a lower tariff policy must take cognizance of the fact that Ecuador depends to a considerable extent upon import duties for government revenues.

Ecuador has had to resort periodically to exchange controls to preserve her monetary reserves. We have endeavored to assist Ecuador to

¹¹ As of the end of 1950, the Export-Import Bank had authorized a total of \$27,311,900 in credits to Ecuador. Of the total, the Bank had authorized \$9,220,000 since the end of World War II. During 1950 one new credit of \$250,000 for the mechanization of rice production was authorized.

meet this difficulty by modifications or waivers of the Trade Agreement to permit temporary deviations to meet special conditions. It is probable that we shall have to continue to follow this policy for some time to come.

Since Ecuador is spending the maximum amount of dollar exchange consistent with what it considers a safe monetary reserve, it would not appear that the US would gain any worthwhile trade advantages through insisting upon the elimination of such controls.

EL SALVADOR

POSITION OF THE UNITED STATES WITH RESPECT TO EL SALVADOR'S DEFINITION OF ITS TERRITORIAL SEA

Editorial Note

Article 7 of the El Salvadoran Constitution which took effect September 14, 1950, provided for the extension of Salvadoran sovereignty over the seabed, its subsoil, the corresponding continental shelf, and the air overhead for a distance of 200 miles offshore.

Prior to adoption of the new constitution, the United States took a position described as follows (in the Policy Statement for El Salvador dated October 9, 1950) :

"Through diplomatic means we endeavored prior to final passage to achieve a modification of this article. We sought a return to the three-mile limit for purposes of sovereignty, and a limitation of jurisdiction beyond the three-mile limit to (a) the resources of the subsoil and sea beds of the continental shelf, and (b) the regulation for conservation purposes of contiguous high seas fisheries in which El Salvador has a substantial interest, providing that any other state also having such an interest were permitted to participate. We were not successful, and the article as finally adopted was not modified. We have therefore under consideration the filing of a protest with the Salvadoran Government against what we consider is an excessive unilateral extension of sovereignty." (611.16/10-950)

On December 12, 1950, Ambassador George P. Shaw presented to Foreign Minister Roberto E. Canessa the Embassy's Note No. 160, not printed, in which the United States stated in part that it would not consider its nationals or vessels or aircraft as being subject to provisions of Article 7 or any subsidiary legislation. (enclosure 1 to despatch 432 from San Salvador, December 12, 1950, 716.022/12-1250)

The United States coordinated much of its action on this question with the United Kingdom.

Additional documents regarding the United States response to Article 7 are in file 716.022 for 1950. Documentation on territorial sea questions is scheduled for publication in volume I.

GUATEMALA

RELATIONS OF THE UNITED STATES AND GUATEMALA, WITH SPECIAL REFERENCE TO CONCERN OF THE UNITED STATES OVER COMMUNIST ACTIVITY IN GUATEMALA¹

123 Patterson, Richard C., Jr.

Memorandum of Conversation, by the Public Affairs Officer of the Embassy in Guatemala (Barrett)²

RESTRICTED

[GUATEMALA CITY,] January 9, 1950.

Participants: President Juan José Arévalo
Ambassador Richard C. Patterson, Jr.
Mr. John A. Barrett, Public Affairs Officer, who acted as interpreter.

The Ambassador was received at 11 o'clock. After the usual greetings he presented to the President the compliments of President Truman, stating that although his government fully appreciates the problems of President Arévalo, it is nevertheless disturbed at the continued mistreatment of United States business concerns by Guatemalan labor. The President interrupted to point out that the Ambassador was right about his having trouble with labor but stating that the United States was also having its labor troubles. The Ambassador did not argue this but pointed out that cordial relations between Guatemala and the United States cannot continue if the persecution of American interests does not cease. He said he feared that an outburst against Guatemala might be made in the United States Senate and asked the President pointblank if he had any suggestions as to what could be done. The President, who was impressed with this statement, stated that that was precisely what he would like to ask the Ambassador; namely, if he had any suggestion to make regarding what he could do about his labor troubles other than what he was doing. The Ambassador replied that he could not intervene and that a solution of this problem belonged solely to the President.

The Ambassador further said that he didn't doubt but that labor leaders like Pinto Usaga were taking orders from the World Federa-

¹ For previous documentation, see *Foreign Relations*, 1949, vol. II, pp. 650 ff.

² Copy transmitted to the Department by the Ambassador in his despatch 40 from Guatemala, January 11, in which Ambassador Patterson stated: "The immediate purpose of this interview was to pay my respects upon returning to my post from the United States. However, I took the occasion to discuss a number of matters, as indicated in the enclosed memorandum."

tion of Trade Unions. (I added that it was a world organization which received its orders from the Kremlin.) The President said that he did not think labor problems in Guatemala stemmed from Communist influence, but rather from strictly American influences, and he mentioned Mexico, Cuba, the United States, Colombia and Costa Rica as sources of inspiration for Guatemalan labor action. He went on to say that it was difficult for him to hold up the United States as an example for labor management and labor-government relations in view of the difficult time the United States Government had solving the steel and coal strikes. The Ambassador dropped the subject but reiterated his concern over a possible outburst in the Senate, and the President stated that "we would be extremely sorry if that happened", adding that if and when it did occur he would like to go and present Guatemala's case personally before the Senate, adding that he was sure that body would understand the problem, since the world cannot be ruled as it was in 1920, because times have changed.

[The remainder of the conversation was devoted to discussion of the Central American Olympic Games and the Roosevelt Hospital of Guatemala City.]

JOHN A. BARRETT

710.5/1-1850

The Chargé in Guatemala (Wells) to the Department of State

RESTRICTED

GUATEMALA [CITY], January 18, 1950.

No. 74

Subject: Inter-American Treaty of Reciprocal Assistance To Be Sent to Congress for Ratification During March Session.

The Ministry of Foreign Affairs informed the press on January 17 that the Ministry will in due course submit the Inter-American Treaty of Reciprocal Assistance, which was signed in Rio de Janeiro in September 1947,¹ to the Guatemalan Congress for consideration with a view to ratification possibly early during the next regular session due to convene on March 1.

It will be recalled that President Truman, in his reply to the remarks of the newly appointed Ambassador of Guatemala, Senor Antonio Goubaud Carrera, reminded Guatemala that it has failed to ratify this Inter-American treaty.²

No doubt this reminder accounts for the Ministry's announcement. The several past inquiries made by the Embassy from time to time

¹ Text of the Treaty, opened for signature September 2, 1947, is printed in Department of State. Treaties and Other International Acts Series (TIAS) No. 1838, and in 62 Stat. (pt. 2) 1681.

² Ambassador Goubaud had presented his letters of credence to the President on January 11, 1950. Texts of his remarks and the President's reply are printed in Department of State, *Press Releases*, No. 29, January 11, 1950.

as to Guatemala's intentions in respect to ratification of the Rio treaty brought forth only the evasive reply that the matter was still "under study". Past inaction on the part of the Ministry is believed due at least in part to the reluctance of ex-Foreign Minister Munoz Meany. The fact that the present incumbent, Licenciado Ismael Gonzalez Arevalo, was a member of the Guatemalan delegation to the Rio de Janeiro meeting, and, so far as is known, has expressed no objections to the Treaty, would seem to enhance the prospects of early ratification by this country.

MILTON K. WELLS

711.04114/2-2850: Airgram

The Secretary of State to the Embassy in Guatemala

CONFIDENTIAL

WASHINGTON, February 28, 1950.

A-28. The *New York Times*, *New York Herald Tribune* and *Washington Post* today¹ carried on their front pages United Press despatches reporting that:

a) "When the Puerto Rican team arrived² Thursday³ it found Puerto Rico represented among the massed banners of the competing countries by a white flag bearing a green shield instead of the Stars and Stripes. The Puerto Ricans insisted that the substitute flag be hauled down and replaced with the American colors."

b) "Yesterday, while the Puerto Rican team paraded before 50,000 persons at inaugural ceremonies, the official radio broadcast repeated reminders that the 'new Guatemala' of President Juan José Arevalo is leading the fight to liberate colonies from 'imperialistic powers'."

c) "When a Puerto Rican color guard, carrying the Stars and Stripes, took its place for ceremonies opening the Central American 'Olympic' games, a Guatemalan military band played 'La Borinquena'—a Puerto Rican dance tune—instead of 'The Star Spangled Banner' . . .⁴ 'Diario de la Mañana', reporting the opening of the athletic tournament, said: 'Significant detail: when the Puerto Rican color guard marched forward to take its place in the semicircle of flags, a military band honored the Puerto Rican people with the Nationalist hymn because colonies are not recognized in Guatemala'." (Actually, "La Borinquena" is more than a dance tune: in public functions it is sometimes played with the "Star Spangled Banner.")

As the Embassy knows, the Guatemalan Government, along with a small group of other Latin American governments, appears to consider that it has a mission to obtain the complete separation of Puerto Rico from the United States. Most Latin American governments,

¹ February 27, the date A-28 was drafted. The Department's telegram 55 sent February 27 reads as follows: "Pl take no action re Puerto Rican controversy referred to in today's US press pending receipt agam being mailed Feb. 28." (711.04114/2-2750)

² At the Central American Olympic Games, then being held in Guatemala City.

³ February 23.

⁴ Omission indicated in the source text.

and most of the Puerto Ricans themselves, are aware that the President, in substance, has publicly promised to give sympathetic consideration to the political aspirations of the Puerto Ricans. In recent free elections the overwhelming majority of the Puerto Ricans have expressed themselves as opposed to breaking their ties with the United States at this time. The degree of self-government and the economic assistance which the Puerto Ricans currently enjoy is also a matter of common knowledge. The attitude of the Guatemalan Government is therefore entirely inconsistent with the facts.

The Department accordingly assumes that the agitation on the part of the Guatemalan Government for the political independence of Puerto Rico is primarily due to its belief that continuous propaganda concerning the exploitation of "colonies" by "imperialistic" states strikes a popular chord in Guatemala, strengthens the present regime with the people, and lays the groundwork for the eventual acquisition of Belize. The Embassy's appraisal of this assumption will be appreciated.

In considering the course of action which will best serve United States interests, which include the maintenance of hemisphere solidarity to the extent feasible, it seems to the Department that the following considerations merit attention:

1. It would appear that the most effective reply to provocative propaganda of this kind can be given by the Puerto Ricans themselves. Certainly the most effective reply to similar assertions made at the recent Habana meeting on dependent territories was made by the Puerto Ricans, who explained that some of the propaganda bordered on intervention into the island's internal affairs since the people themselves had been consulted in free elections in which the Independentistas received the support of only 11% of the electorate. The Department is gratified to note that, according to the press, the Puerto Rican athletes at the games themselves insisted on marching under the United States flag. Governor Munoz of Puerto Rico is due to arrive in Washington tomorrow and the possibility of his making an appropriate statement on the subject will be explored.⁵

2. In any polemic with the Guatemalans, it is possible that that Government would seek to make itself appear as the champion of oppressed peoples which is resisting pressure from the United States. Since the pro-government parties have so far been unable to agree on a candidate for the presidency, they may seek to obtain unity and to obscure the real issues by stressing matters such as Belize and Puerto Rico. Action on our part might therefore well play into the hands of the extremist elements.

3. If the Guatemalan Government should reject a protest by us, it is doubtful that the United States would be prepared to take any stronger action, particularly since this is an election year.

⁵ No record that Governor Munoz Marin discussed with State Department officers the possibility that he should make such a statement has been found in Department of State files.

4. It is not completely clear from press reports that the Guatemalan Government has officially associated itself with the actions taken at the Olympic Games.

Of course, if additional action of the same general kind were taken, the Department would wish to reconsider its present inclination not to make a formal protest.

The Embassy's comments would be appreciated.⁶

⁶ In telegram 70, sent noon, February 28, from Guatemala City, Ambassador Patterson stated in part: "Contemplate no official protest unless Department so instructs (Deptel 55 February 27) despite provocative nature incident which caused indignation PR delegates as well as hundreds other US citizens present."¹ (711.04114/2-2850)

The *New York Times*' version, published February 27, of the United Press despatch quoted in A-28 said in part that Ambassador Patterson, "... 'surprised and indignant' at the slur, said he would protest formally to the Guatemalan Government." The *Times* of February 28 carried a UP despatch of the previous day which stated in part: "The 'incident' brought today a formal protest by the United States Ambassador Richard C. Patterson Jr."

No record of any type of protest in the matter by Ambassador Patterson has been found in Department of State files.

123 Patterson, Richard C.: Telegram

The Secretary of State to the Embassy in Guatemala

TOP SECRET

WASHINGTON, March 25, 1950—12 noon.¹

NIACT

75. For eyes of Ambassador only. Guatemalan Ambassador here has informally advised Department on instructions from his Government that your life is considered to be in danger. Ambassador could supply no details.

Department officially requested Ambassador inform his Government US expects adequate and effective measures will be taken immediately for your protection.

Department will inform you concerning rest of conversation after your arrival in Washington.²

Please cancel arrangements for your speech scheduled for March 29 (Your despatch 356 March 22³). You may wish give as reason necessity of advancing date of planned departure for US in order receive medical treatment. Guatemalan Ambassador here informed you already had authorization proceed to Washington in accordance with previous plan.

¹ A marginal notation indicates that this telegram was drafted on March 24 by Thomas C. Mann, Director of the Office of Middle American Affairs.

² No memorandum of the conversation mentioned has been found in Department of State files. Certain information concerning it is included in the extracts from the Department's press conference of April 6, 1950, and in the enclosure to the memorandum of May 29, 1950, by William J. McWilliams, Director of the Executive Secretariat, pp. 877 and 897, respectively.

³ Not printed.

Since you have planned come to US shortly after March 29 (urtel 103 March 22)⁴ you should depart⁵ as soon as convenient and in any event before March 31 which is *viernes de Dolores*.⁶ Formal authorization for your travel will be issued as soon as possible but you need not await their receipt.

You will appreciate delicacy this matter and importance of preventing publicity.⁷

⁴ This telegram reads: "Request permission visit US for 10 days after Rotary Club speech March 29 for treatment amoebic dysentery." (123 Patterson, Richard C.)

⁵ "Should depart" replaced "may consider desirability departing" in the final draft.

⁶ The Feast of the Seven Sorrows, a Roman Catholic holy day which falls on the Friday before Palm Sunday. This was a traditional time for university students to "spoof" authorities and sometimes led to "roughhousing".

⁷ In telegram 110 from Guatemala City, March 26, the Ambassador stated:

"In absence details, my own feeling story about alleged danger my life is crude attempt at intimidation, or has other ulterior motives (Deptel 75 March 25). If real threat exists, seems strange Guatemalan authorities have not advised me and taken special measures my protection. No additional police guards provided even after Wells made specific request therefor last evening of Sub-Secretary Foreign Office and Chief Protocol. However, unless Department reconsiders matter I shall follow instructions and depart March 28th or 29th." (123 Patterson, Richard C.)

Ambassador Patterson left for the United States on March 28.

611.14/3-3150

The Chargé in Guatemala (Wells) to the Department of State

CONFIDENTIAL
No. 395

GUATEMALA [CITY], March 31, 1950.

Subject: Conversation with Colonel Jacobo Arbenz.¹

Enclosed is a memorandum covering a conversation which I had two evenings ago with Colonel Jacobo Arbenz in regard to matters affecting the relations between Guatemala and the United States.

In this conversation, I gained the impression Arbenz is deeply worried by a feeling relations between Guatemala and the United States are not what they should be, and fears the adverse foreign press (such as the Turner articles²) accurately reflect sentiments in United States official quarters. Also, it is apparent he thinks the United States Government and the American business concerns operating here are covertly opposing the Arevalo Government and his own presidential ambitions. On the other hand, I found his attitude toward the United Fruit Company and other United States business interests seemingly

¹ Col. Jacobo Arbenz Guzman had been nominated for President on February 19 by two of the three political parties which formed the coalition in support of President Arévalo's government.

² Reference is to articles concerning Communism in Guatemala which appeared in the New York *Herald Tribune* early in February 1950.

realistic and devoid of prejudices simply because they are foreign companies. He reiterated previous statements to the general effect big business, domestic or foreign, had to cede some ground to social progress following the 1944 popular revolution, and their difficulties, therefore, are in the nature of normal employee-employer and company-Government relations under a changing political situation.

MILTON K. WELLS

[Enclosure]

MARCH 30, 1950.

MEMORANDUM OF CONVERSATION

Participants: Colonel Jacobo Arbenz
Mr. Minor Kielhauer
Mr. Milton K. Wells

Subject: Political situation; United States-Guatemalan relations.

Through Minor Kielhauer, Colonel Arbenz had sought an interview with Ambassador Patterson, which did not take place because of the Ambassador's hurried departure for the United States last Tuesday. Tuesday afternoon, Kielhauer telephoned me that Arbenz had returned to the city, regretted having missed seeing the Ambassador, and would like the opportunity of talking to me. I agreed to see Arbenz at cocktails at the Kielhauer home the following evening. (March 29.)

Summary:

The burden of Arbenz' remarks during the two-hour talk was a complaint over what he considers to be a hostile attitude toward Guatemala and his own candidacy on the part of the United States, foreign companies, the Embassy, and Ambassador Patterson, as reflected in the increasingly unfavorable United States press. For my part, I tried to disabuse Arbenz of the notion the United States in any way, shape, or form is departing from a strict policy of non-intervention in the internal affairs of Guatemala; that this policy carries with it disapproval of any interference or meddling in local politics by American companies and citizens; that we seek no special privileges, only fair treatment; and that the apparently hostile press is but a logical result of difficulties encountered by United States interests during the past four years due to policies of the Guatemalan Government and results also from the continuous Communist-line labeling of the United States and foreign companies as imperialists, et cetera.

Arbenz opened the conversation by saying he had wished to have a frank talk with the Ambassador for some time, because, in his opinion, the relations between our two countries had reached a sad state

not warranted by the circumstances. He had become increasingly worried by the hostility and criticism of the Guatemalan Government emanating from the United States press. More specifically was he worried by reports coming to him to the effect the Embassy, and Ambassador Patterson in particular, he said, consider the Government communist dominated, and are against him (Arbenz) and his candidacy for the same reason. Remarks attributed to the Ambassador which had been reported to him gave him cause for fearing this, indeed, is our official attitude. Such remarks from United States officials, however personal and unofficial they may be, he said, are highly significant and important—he wouldn't be concerned if diplomatic representatives of any other country said the same things, but the remarks of the representatives of the most powerful nation in the world have to be held significant.

Apropos the recent PAR³ manifestos alleging the existence of a plot against Guatemalan democracy spearheaded by "North American imperialism", Arbenz said considering the foregoing and other circumstances he felt there is at least cause for speculation. He insinuated the Turner articles were inspired, indicated belief the American companies would like nothing better than to see the Arévalo regime end. He said the Government had kept Colonel Miguel Mendoza, Jorge Toriello, and other oppositionists, under close surveillance, knows they are engaged in subversive activities, and knows they openly boast that the United States is in sympathy with their objectives.

I took the general attitude the unfavorable press to which he referred was nothing more than a normal reaction to events (hechos) in Guatemala since 1944 which have seen United States interests suffer more difficulties than in any Western Hemisphere country, and to a constant barrage of anti-imperialistic propaganda tinged unmistakably with the international communist line; that in no way did it imply a grand imperialistic conspiracy as alleged by PAR and other revolutionary elements. In other words, the so-called anti-Guatemalan propaganda is an answer to the anti-imperialist propaganda from Guatemala, not vice versa. As examples, I had brought with me, and confronted him with the political statements of PAR reported in Despatches 365 of March 27 and 382 of March 29,⁴ which roundly denounce "North American imperialism" for allegedly conspiring against democracy in Guatemala, et cetera. I said in the United States a presidential candidate endorses the political platform or program of the nominating party; he had become the candidate of PAR, whose political program contains communist-tainted phraseology to say the least. Therefore the logical question arises as to his own ideological

³ Partido Acción Revolucionaria, largest of the parties supporting the candidacy of Colonel Arbenz.

⁴ Neither printed.

sentiments, and the United States press could be pardoned for speculating on this point.

He readily admitted some of the PAR propaganda seemed Communist, when viewed in the light of international politics, but argued we should consider such manifestations solely in terms of internal politics in Guatemala—where everyone and everything is either “revolutionary” or “reactionary”. He protested we “know” he is not a Communist; of this our intelligence sources should have convinced us. I pointed out that the idea that PAR is Communist-tainted is not confined to the United States, and by way of illustration showed him the *Nuestro Diario* editorial page of March 28 which reproduces an article by an Uruguayan journalist, which, while generally very favorable to the Arévalo regime, makes the flat statement that PAR has communist tendencies.

As for the constant insinuations that United States companies in Guatemala dislike the present regime and are aiding the opposition, and the more recent insinuations that the policy of the Embassy and the United States Government is hostile to Guatemala and the Arbenz candidacy, I said my real purpose in meeting with him was twofold; first to hear his comments on the political situation; and secondly to convince him, once and for all, that whatever sympathies, personal or official, might exist, the United States under no circumstances is going to meddle in Guatemalan internal affairs, nor take sides in the coming electoral campaign. Also, I said, American business concerns are already warned to abstain from contributing to campaign funds or otherwise involving themselves in politics. For example, I said, suppose some American concern secretly contributed money to his own campaign chest. Should he become President he could never be sure the same firm would not, in the future, similarly support elements in opposition to his Government. No foreign business concern could take such risks. The Embassy has full confidence that the actions of the so-called “foreign imperialistic companies” are wholly in keeping with our non-intervention policy. If such is not the case, I added, the Embassy would greatly appreciate being informed. Arbenz admitted there is no evidence of partisan activity on the part of any of the American firms here, but a Guatemalan employee of the United Fruit Company at Puerto Barrios had been heard to say the Company couldn’t stand the Government any longer and was going to aid Ydigoras Fuentes.⁵ I commented that even if an employee had made the reported statements, they should be considered as personal opinions of the person making them. The Company’s policy is set only by the responsible officials.

Concluding the conversation, I said since he is now a presidential candidate and no longer a Cabinet Minister I could not risk compro-

⁵ Gen. Miguel Ydígoras Fuentes, also a candidate for President in 1950.

missing the Embassy by seeing him again on official business outside the Embassy, but that I hoped to continue seeing him socially from time to time. I had made an exception in this case because I felt the circumstances warranted, and since I wanted not to lose the opportunity to convince him we mean exactly what we say on non-intervention. The doors of the Embassy are open to all. The fact that this or that opposition leader may enter to talk politics cannot be interpreted to mean we are extending him any support, any more than he (Arbenz) can interpret his talk with me as support of his candidacy. The very fact the United States is a world power (as he had observed earlier in the conversation), I said, seemed to cause oppositionists in every Latin American country to entertain the naive belief that somehow the United States has a responsibility to do something about the current "dictator" or the current "bad" Government. I offered to wager a search of the Embassy's files would reveal that members of the present revolutionary Government of Guatemala had come in to the Embassy during the period 1932-44 to denounce Ubico⁶ and to ask for support toward his overthrow. He admitted such was probably the case.

MILTON K. WELLS

[Here follows a postscript containing certain personal references.]

⁶ Gen. Jorge Ubico Castañeda, President of Guatemala from 1931 to 1944.

714.00/4-150

The Chargé in Guatemala (Wells) to Mr. Edward W. Clark of the Office of Middle American Affairs

PERSONAL CONFIDENTIAL GUATEMALA [City], April 1, 1950.

DEAR ED: There follow a number of items of interest, omitted or not covered in full by my official communications, that may help you fill out the complete story:

1. When I called upon the Subsecretary¹ Monday² morning he still alleged complete ignorance; said all he had been able to ascertain since our visit of Saturday evening was that only the Foreign Minister knew the whole story, had handled personally the instructions to Goubaud.³ The latter, he added, must have given the whole story to

¹ Alfredo Chocano Becerra.

² March 27.

³ In telegram 111 from Guatemala City, March 27, Ambassador Patterson in part had reported that Minister Ismael Gonzalez Arévalo had left for the United States "unannounced" on March 25. (714.00/3-2550) The Department stated in telegram 78 to Guatemala City, March 28, that it had been informed by the Guatemalan Embassy on the 27th that the Minister had arrived in Washington on an "extra official" visit of a few days. "Purpose his presence here not yet known." (714.13/3-2850)

the Department. It was so unfortunate the Foreign Minister was in the States!

2. With this failure to obtain any satisfaction from the Foreign Office, the Ambassador asked me to request an urgent interview with President Arevalo for him. The request was made at 2:30 p. m. Monday. We heard nothing until a few minutes after the Ambassador's departure Tuesday at 11 a. m., when Protocol telephoned the information the President was "out of town".

3. Charlie Salino visited the Ambassador excitedly Sunday evening to tell him he had heard rumors that the Ambassador's life had been threatened. The Ambassador denied knowledge, saying his confinement to the residence was due solely to dysentery. Only two other stalwarts of the colony have mentioned the matter to me; but the Colombian Minister called yesterday and gave me a rough time denying there was anything to the Habana AP story that the Ambassador's departure was due to a threat.

4. Arbenz took a reasonable attitude in my conversation with him Wednesday night (See despatch 395 of March 31)⁴ but said, in so many words, that "where there is smoke, there may be fire", and that some of the remarks attributed to the Ambassador made him think there were pardonable grounds for the PAR-CAP tirade.⁵

5. A controlled American source comes in with a last minute flash. He heard a report that the labor boys are beginning to worry about the real depth of Arbenz' affections, and are watching him like a hawk!

6. The students' parade went off yesterday without incident. They were well prepared for trouble; each and everyone carrying a club or iron pipe, and more students employed as guards than in the allegoric floats. Rumors were that families and friends of the students lined the parade route well armed for possible trouble. The Government and Arbenz took a severe beating; and a float depicting the assassination of Arana,⁶ which labeled "Arbejas, Martinez, Morazan and Bracamonte" as the constructors of the crime got a big applause from the crowds. May hurt Arbenz' candidacy. Will follow up with a despatch on this subject.

7. *Time* magazine correspondent Forbis told Salino, who ran to me, that in an interview with Pinto Usaga,⁷ the latter said *they* were fed-up with P. and wouldn't stand for him any longer.

8. *El Imparcial* reporter Ribas Montes told me Pinto Usaga had promised to give the press "seven pages" of evidence to back up his

⁴ *Supra*.

⁵ Discussion of the unfavorable publicity given Ambassador Patterson in Guatemala is included in the excerpts from the Department's press conference of April 6, p. 877.

⁶ For information concerning the assassination (on July 18, 1949) of Col. Francisco Javier Arana, see *Foreign Relations*, 1949, vol. II, pp. 655 and 664.

⁷ A leading figure in Guatemalan trade unionism.

charges against the Ambassador; that if the alleged evidence amounts to more than the generalities of the CAP published bulletin, he would bring me a copy.

9. I enclose clippings of the editorials and articles summarized in my telegram no. 125^a of today's date.

With cordial regards,

Sincerely,

MILTON K. WELLS

^a None printed.

123 Patterson, Richard C.

*Memorandum by the Chief of the Division of Security (Nicholson)¹
to the Director of the Office of Middle American Affairs (Mann)*

[Extract]

CONFIDENTIAL

[WASHINGTON,] April 5, 1950.

Subject: Request for Replacement of United States Ambassador to Guatemala

A confidential source . . . has advised that Sr. Ismael Gonzales-Arevalo, Guatemalan Minister of Foreign Affairs, recently arrived in Washington. He reportedly came to request a replacement for United States Ambassador to Guatemala, Richard C. Patterson. It has been further rumored that if Ambassador Patterson is not removed the Socialistic Regime in Guatemala will declare him *persona non grata*, alleging that he has been interfering in local affairs in Guatemala.

Sr. Gonzales, formerly Guatemalan Ambassador to the United States, reportedly does not wish to see Ambassador Patterson declared *persona non grata* as that would be the first time such an incident has happened involving one of the Latin American countries. He further feels it would interfere with Latin American relations generally.

¹ This memorandum was also marked for the attention of W. Tapley Bennett, Jr., Officer in Charge of Central America and Panama Affairs.

123 Patterson, Richard C.

Memorandum by Mr. Edward W. Clark of the Office of Middle American Affairs to the Assistant Secretary of State for Inter-American Affairs (Miller)¹

[WASHINGTON,] April 6, 1950.

Ambassador Patterson phoned this morning from an island in the Bahamas to check in with the Department and to inquire if the Department needed him back here at this time. He also desired to know

¹ Addressed also to Willard F. Barber, Deputy Assistant Secretary of State for Inter-American Affairs, Mr. Mann, and Mr. Bennett.

if the situation regarding himself had changed perceptively since last week end.

I told the Ambassador that it would not be necessary for him to return to Washington at this time. I told him also that the situation he referred to had undergone no substantial change since he left.

The Ambassador inquired as to whether or not the Department had talked to the Guatemalan Foreign Minister and I told him that it had not done so. I explained that for various reasons it had been impossible to arrange a meeting with the Foreign Minister.

The Ambassador informed me that if he did not hear to the contrary from the Department he would spend next week in Florida and return to Washington the following week.²

² Memoranda of May 3 and May 9, from Mr. Barber and Mr. Mann, respectively, to Mr. Miller, not printed, indicate in part that it was Departmental policy that Ambassador Patterson should not speak publicly on the Guatemalan situation. (123 Patterson, Richard C.)

Editorial Note

At the Department's press conference held the afternoon of April 6, Mr. Lincoln White, Executive Assistant to the Special Assistant for Press Relations, read this statement:

"The Honorable Richard C. Patterson, Jr., United States Ambassador to Guatemala, has returned to the United States for medical treatment, based upon his request to the Department of approximately six weeks ago for permission to return to this country for this purpose.

"On the eve of Ambassador Patterson's departure from Guatemala oral charges were made to the Department by the Guatemalan Government that Ambassador Patterson had intervened in Guatemala's internal affairs. The United States Government categorically rejects these charges. There has been no written request for Ambassador Patterson's recall from his official station in Guatemala. During the Ambassador's absence and until medical treatments have been concluded, the Embassy in Guatemala City will be under the direction of Mr. Milton K. Wells, Chargé d'Affaires ad interim."

(Documents in file 123 Patterson, Richard C., for 1950, indicate that the Ambassador on February 13 requested four days leave in Los Angeles during the latter part of that month, that this request was granted, and that the Ambassador was absent from Guatemala from February 19 to 25. For a later request by the Ambassador, see footnote 4 to the Department's telegram 75 of March 25, page 870.)

In response to questioning Mr. White said, as "background," that in a conversation held March 25 with Willard F. Barber, Acting Assistant Secretary of State, and Thomas C. Mann, Director of the Office of Middle American Affairs, Ambassador Goubaud had "... made the informal suggestion that Ambassador Patterson be recalled." The

Americans had not asked for a "... bill of particulars ..." nor had Guatemala volunteered any charge more specific than that of intervention in Guatemalan internal affairs.

According to Mr. White, the United States had not received a formal written request for Ambassador Patterson's recall, nor had he been declared *persona non grata*. Ambassador Patterson had denied interfering in Guatemalan affairs. He had arrived back in Washington March 30. Presumably he would return to Guatemala when again in health.

During the conference, reporters repeatedly asserted that it seemed the State Department had denied the charges against Mr. Patterson without conducting any investigation. Apparently in response to these assertions, Mr. Mann joined the conference.

He said the United States was anxious in what was an election year in Guatemala to avoid polemics which could be used against the United States in the campaign. He continued (as "background"):

"While there have been no official statements as to the specific acts which were alleged to constitute intervention, we know pretty well what sort of thing they have in mind.

"The CAP, which translated means Committee for Political Action [organized in 1948 by labor leaders who had in common their support of the Arévalo government], has issued some bulletins which attack Ambassador Patterson, and attacking the State Department and the United States. It considers that we are imperialistic, that Mr. Patterson is constantly very imperialistic, and that we are seeking to overthrow the Government of Guatemala—you stop me if you wish, please,—and are seeking to create differences between Guatemala and its neighbors in order to weaken the Guatemalan regime."

The charges had appeared in *Diario de la Mañana*, described by Mr. Mann as a semiofficial organ and had been broadcast over the Government radio. (Partial texts of the CAP charges are included with documents in file 611.14 for March and April 1950.) Mr. Mann said that representations made by Ambassador Patterson from time to time had been in support of legitimate interests of American-owned firms. He then went "off the record" to say:

"We know from very personal and unofficial conversations with people in the Guatemalan Embassy here that charges parallel these general allegations. They are informed too what CAP has said—so that we are pretty sure in our own minds what the Government has in mind."

Mr. Mann read a number of passages from the CAP charges to illustrate his contention that they were general rather than specific and that those directed against Mr. Patterson were largely innuendo. In response to questions, he said Ambassador Patterson had not officially protested activities of the CAP. The United States did not

believe the Guatemalan Government to be Communist but he, Mr. Mann, thought "... a few clever Communists [had] been able to capitalize on a number of local situations." He had seen the Guatemalan Ambassador that same afternoon:

"I gave him a copy of this release and told him that we were going to release it.

"That is all."

The final portion of the interview with Mr. Mann follows:

"Q. What is being done to straighten this out?

A. We are very calm and collected about it and we hope the thing will work out. We obviously don't control all of the elements that are going to have to be taken into account.

Q. When is Mr. Patterson due to return?

A. I don't know.

Q. Where is he now?

A. I understand that he is down in Florida or on one of the islands off Florida somewhere.

Q. Is he seeing the President?

A. I don't know.

Q. In these charges which are published, couldn't they just ignore them and forget about it?

A. It is legally possible to withdraw a charge, so far as I know, but I don't think it is probable.

Q. They were told through a press release that there has been no other request?

A. That is right.

Q. Assuming, therefore, in the absence of a formal request, they could if they elected to do so?

A. They could do that, yes,—either verbally or in writing, they could withdraw their statement, had there been one. I think that is possible.

Q. I was thinking in terms of the conversation with the Ambassador this afternoon. You possibly might have included that and just decided to drop the thing.

A. We didn't discuss that.

Q. Does the opposition party or parties down there agree in any way with the American people—but the President is a labor supporter. I mean are both sides mad at the Yankees or not?

A. Still *not for attribution*, I think the situation there is very similar to what it is in most Latin American countries. But at election time it is just political suicide to try to defend the United States. People just don't do it. So you don't give any evidence of public support. I think on the whole people in the other American Republics understand and support us, but it isn't good politics to say so at election time. We are a sort of punching bag during elections. Everybody likes to take a swing at us, and makes sure he does every time you say something.

We don't want to embarrass anybody.

Q. Has anybody in Guatemala ever asked for Mr. Patterson's recall?

A. No one in Guatemala.

Q. And there hasn't been any announcement or any statement?

A. Not if you mean an official statement by the Guatemalan Government.

I think there likely will be after this one today.
Thank you very much."

A complete transcript of this press conference is included in Department of State, "Daily Press and Radio News Conferences", volume V, 1950, under date.

611.14/5-1750

*Memorandum by the Labor Officer of the Office of Regional American Affairs (Fishburn) to the Assistant Secretary of State for Inter-American Affairs (Miller)*¹

CONFIDENTIAL

[WASHINGTON,] April 19, 1950.

Subject: U.S.-Guatemalan Relations; United Fruit Company

Mr. Mann has requested a memorandum covering labor problems in Guatemala, the relation of our policy to them and my fear that our policy is of harm to us and of great value to the Communists in Guatemala and throughout Latin America. In large measure our relations with Guatemala appear to hinge on the labor problems of the United Fruit Company. I present my views of these problems below.

The labor difficulties which the United Fruit Company has been experiencing in Guatemala stem from the Company's feeling that the same regulations which apply to other agricultural firms should also apply to it. This contrasts with the feeling of many Guatemalans that the United Fruit Company, which employs 17,000 persons in contrast to approximately 500 to 1000 for the next largest agricultural firms, has an industrial or commercial rather than an agricultural type of operation and that more rigid labor standards should be applied to it than to smaller agricultural operations. This follows a trend in the United States and in other countries in which large agricultural operations are being required to observe the labor regulations applicable to industrial operations on the grounds that in both cases relations between employer and employee are apt to be impersonal and similar.

Specifically, the United Fruit Company objects to provisions of the Guatemala Labor Code which require it to give ten days vacation per year in contrast to five days per year for agricultural operations employing less than 500 people, pay time and one-half for overtime in contrast to time and a quarter for small agricultural operators, deal with unions as if it were an industrial or commercial concern, and a few other provisions of the Labor Code of a similar nature. Apart from the provision of the Code which permits strikes against larger

¹ This memorandum was also addressed to Messrs. Barber, Mann, and Bennett; also to Cleon O. Swayzee, Labor Adviser to the Assistant Secretary of State for Economic Affairs; and Stanley D. Metzger of the Office of the Legal Adviser.

agricultural firms and not against smaller ones during the harvest season, and no justification for which has been suggested to this government, all of the other distinctions of the Code appear to be legitimate in terms of modern thinking.

There is no doubt that the employer-employee relations of the United Fruit Company are not those of small agricultural operations but are relatively impersonal and similar to those of any large operation. It seems difficult to justify the United Fruit Company objection to giving its employees ten days vacation per year with pay when all industrial operations employing ten men or more must give the same number of days and all commercial firms must give fifteen days. Similarly with overtime and unions, the Company must obey the same regulations as industrial and commercial firms.

It has been argued that the Code is discriminatory against the United Fruit Company because of the firm's U.S. ownership. This argument can hardly be sustained inasmuch as no other American firm operating in Guatemala alleges such discrimination with respect to provisions of the Code.

It is frequently argued that the United Fruit Company pays higher wages than any other agricultural firm in Guatemala. This is undoubtedly true, but it is difficult to determine to what degree this is a result of philanthropy or enlightened self-interest on the part of the Company or local pressures which have been exerted on the Company for many recent years. Even if it be argued that the Company's relatively high wages and favorable working conditions have been granted voluntarily, the Company will have to learn that labor very often does not appreciate paternalism but wishes to share in determining its own fate. This trend to extend democracy into industrial relations is very powerful.

As a foreign-owned corporation and as a large and financially successful one, United Fruit must anticipate a certain amount of anti-company feeling among poor, local circles throughout Central America. The Company will be fortunate if it is able to continue operations over a lengthy period without being expected to do more than grant higher wages and better working conditions than its smaller, local competitors. If it should attempt, with or without Embassy assistance, to fight this inevitable trend and argue that there is unfair discrimination because of such distinctions, it will probably lead to the same conclusions experienced by the American and British oil companies in Mexico. The oil companies and the U.S. Government were defeated at nearly every important point over a period of many years because the U.S. Government was not willing to violate Mexican sovereignty and use military force to protect the interests of the petroleum companies, despite a strong feeling in the State Department that the companies were in the right. It would

appear to be a tragedy for this Government to repeat its Mexican experience in Guatemala.

It has been argued that the American companies are in the right and that, therefore, come what may, this Government should protect them. In the labor field it is oftentimes impossible to say where labor demands and where management's policies are right or wrong. A few years ago pensions were not an approved subject for collective bargaining in this country. However, the Supreme Court has recently ruled that they are. Currently there is a strong trend to attempt to tie wages to prices and profits. Although this concept has not been accepted in this country, it may happen in the next few decades; similarly in Guatemala. It has not seemed possible to objectively state that the United Fruit Company is in the right when it resists demands to pay higher wages or grant better working conditions than its agricultural competitors. An analogy can be drawn with our own income tax structure and the previously mentioned trend in this country to catalogue large agricultural operations as industrial for certain labor laws.

It has been argued that it is not the distinctions as such which are illegal, but the fact that the Company is the only one to have to obey them, in fact if not in law. It is difficult to know how many and to what degree other large agricultural operations obey the disputed provisions of the Code. In addition, it is historically true that in our country, as elsewhere, larger firms and wealthier individuals are often watched more closely than their smaller competitors. This line of reasoning, therefore, does not appear sufficient to warrant diplomatic aid to the United Fruit Company.

In addition to the problems related to the Labor Code, the United Fruit Company went through a difficult strike in 1949. Without going into the details, the Company alleged that the labor laws of Guatemala were not properly enforced and that the administrative and judicial machinery of the government was unfair to the Company in favor of labor. The Embassy supported these contentions. Available evidence supports the Company's assertions. Nevertheless, I feel it necessary to point out that the steel companies in the U.S. likewise protested that the Taft-Hartley Act was deliberately bypassed by our administration in the 1949 strike. Also, similar pro-labor discrimination has been alleged in a recent purely Guatemalan labor dispute. To quote the Embassy:

"In the case of the Novella [cement] company there has been no opportunity to invoke anti-foreign prejudices. The cement plant is strictly a Guatemalan enterprise and, as some have pointed out, a unit of basic industry which one would expect to cause pride and evoke support on the part of other Guatemalans. The Government ostensibly is interested in the industrialization of Guatemala. Yet the labor authorities in this conflict seem to have shown more hostility

than consideration toward the cement industry. Over and above the attitude of labor inspectors and labor judiciary hovers the influential shadow of Minister Bauer Paiz, outspoken opponent of imperialistic capital, who gives in this purely national case the appearance of opposing private capital *per se*.²

The problem, therefore, is by no means entirely one of discrimination against foreign firms, but rather it is also one of general, internal labor relations.

Guatemala is currently going through a difficult period of adjustment following the overthrow of Ubico in 1944, similar to that which followed the overthrow of Diaz in Mexico in 1910. One aspect of this is an intense feeling of nationalism. This was partly stimulated in both cases by friendly relations between the large foreign-owned concerns and the old dictators.

It is quite natural that the companies affected should have attempted in all manners to protect their interest in both countries. Unfortunately, in the case of Mexico the companies were not willing to compromise adequately and, since the United States Government was unwilling to use force, the companies lost the bulk of their claimed rights. Since Guatemala is as sovereign as Mexico, the United Fruit Company may also lose most of its interests unless a satisfactory settlement can be reached.

With respect to this Government's relations to the case, it would appear most unwise for us to be tied to the Company's position, without regard for Guatemala's aspirations or sovereign feelings. It is my judgment that our unfortunate and necessarily ineffective attempts to help the Company have permitted the Communists to pose as the champions of labor and of national sovereignty, and have thereby aided them in achieving control over organized labor in Guatemala. There are, of course, numerous other factors which have also aided them.

In a general sense, whether or not the Guatemalan laws, courts and administrative machinery are fair and objective with respect to labor disputes is a difficult and important question with a number of significant implications. For example, an unwise pro-labor bias may frighten away potential new private or public investment or financial aid, and no one could legitimately object if it does. However, apart from the difficulty of reaching objective judgments of fairness and legality, as a general rule it would appear unwise for this Government to make diplomatic representations in cases of labor disputes. Such representations appear to be undesirable because they permit the Communists to pose as the champions of labor and national sovereignty in the same breath. Any such situation is also a death trap for us, a trap which if permitted to develop very far could threaten

² The date and provenance of the quoted document are not indicated.

our entire Good Neighbor Policy. It is an especially unfortunate sort of trap because in the last analysis we lose no matter what happens. We will not send in troops if all goes wrong and can only retreat miserably. On the other hand, if we cause a friendly government to decide in our favor, we weaken the internal labor support of that group. And, today, strong labor support is essential for any democratic government in Latin America.

It is suggested that the Department adopt a general policy of refraining from attempting to extend diplomatic protection to American firms in connection with labor problems in Latin America. Instead, the Embassies should attempt to obtain the fullest possible information for reporting, should discuss such problems in an appropriate, friendly manner with government and company officials without favoring either; and then, in those situations which reach appropriate, acute stages, indicate quietly that if the company is too seriously harmed, that new private investment will undoubtedly be discouraged and that it would not be possible for this Government to extend financial aid to a country which is harming American interests in an unfair or discriminatory fashion. If this policy is adopted, American firms will probably be much more willing to compromise abroad and may gain a good deal in the end. Although the suggested policy is not satisfactory in some respects, it appears to be the least dangerous of the possible alternatives and will certainly avoid putting this Government in the vulnerable position of being anti-national and anti-labor at the same time, a position which the Communists have already exploited with considerable success and which, if it is continued, they will exploit further.

611.14/5-550: Telegram

The Secretary of State to the Embassy in Guatemala

CONFIDENTIAL

WASHINGTON, May 5, 1950—6 p. m.

115. This takes place again mentioned Deptel 112 May 4.¹ Dept suggests that a principal cause our current difficulties with Guat is success relatively few pro-communists have had in capitalizing on nationalistic sentiment Guat people and posing as champions Guat polit and econ independence. This success together with their control organized labor, has made extremists polit important in present election campaign and has given them undue influence on Govt policy.

It wld appear our ult objective shld be reduced or destroy influence

¹ Not printed. Telegram 115 was in reply to telegram 153 from Guatemala City, May 2, in which Chargé Wells had stated in part: "Unless otherwise instructed I will take first opportunity express to Foreign Minister surprise and regret that government radio facilities given Pinto Usaga for his systematic Communist-line attacks US interests." (611.14/5-250)

pro-communists by bringing about their polit separation and isolation from non-communist elements which they are now using and which supply principal source their strength. To accomplish this Dept believes we shld carefully avoid actions or statements which tend lump pro-communists and non-communists together and give them reason make common cause. We shld also avoid providing issue alleged fon pressure which moderates wld have to join in opposing or be left in untenable position of appearing unpatriotic.

Our immed aim shld be make moderate and reasonable elements Guat Govt aware through friendly and informal approaches of seriously harmful effect on relations between our two countries being caused by present trends Guat. Without mentioning names or cases clear impression cld be given in private conversations of US concern and regret that a few extremist individuals appear wish bring about deterioration Guat-US relations which manifestly is contrary interests peoples both countries and helpful those who wld divide democratic world. We shld continue impress on responsible Guats that US has no intention interfering or intervening internal affairs Guat and, far from wishing block social and econ progress Guat, has every desire coop in sound econ development country and assist furtherance liberal democracy based individual freedoms.

Through such approaches as that fol ur Mar 30 conversation with Arbenz, we wld hope guide moderates to draw their own conclusions that it emphatically in their best interests prevent further deterioration relations and avoid repercussions which may be expected fol bad reputation now being gained abroad by Guat as result activities these few extremists. They shld not lose sight fact Guat Govt initiated action which brought about present situation with consequent adverse reaction US press and public opinion. While this Govt sincerely hopes further deterioration can be avoided, much depends attitude responsible elements Guat Govt.

It might also be useful point out discreetly importance free press in forming US public opinion and official policies. Remarks Sen Wiley and reaction US press to recent developments give point to this approach.

Most appropriate times and means getting these ideas across are left your judgment. Dept doubts however that official protests (urtel 153 May 2) will contribute to solution since Guats might regard such course as dignifying acts and statements extremists, and giving stature their authors. Also Govt might feel it polit necessary support and further identify itself with extremist actions.

Admittedly this approach requires forbearance and patience on our part. It appears however offer best chance **discrediting** extremist influence Guat and bringing eventual return normal relations based on

mutual understanding and respect. Dept intends fol line suggested above in informal conversations with Guat Emb here.

These suggestions, of course, apply only for present. Your views will be appreciated.

ACHESON

714.00/5-1250

Memorandum of Conversation, by the Director of the Office of Middle American Affairs (Mann)

CONFIDENTIAL

[WASHINGTON,] May 12, 1950.

I had lunch today with Ambassador Goubaud at his request. He started the conversation by saying that the Guatemalan newspapers have reported that Ambassador Patterson has already returned to Guatemala City. I replied that Ambassador Patterson is still in the United States and that the newspaper reports are inaccurate.

The Ambassador then asked whether it would be possible to send another ambassador to Guatemala City in the near future. I said that this would not be feasible at this time.

The Ambassador then spoke at some length about the current political scene in Guatemala and said he was convinced that President Arévalo is against all types of dictatorships and that otherwise he would not have accepted his present post. I said that while it has been made amply clear that the Guatemalan Government is opposed to dictatorships of the right, I had not seen any public statement about the Government's opposition to dictatorships of the left. I said that people outside of official circles who understand that totalitarian governments of the left, as well as those of the right, suppress liberty, might contend that the Guatemalan Government's position is therefore only half clear. Also, the recent visit of Pablo Neruda¹ as an official guest of the Guatemalan Government, the failure of the Government to ratify the Rio Treaty, the virtual expulsion of Ambassador Patterson and other incidents have further contributed to the confusion. I said that this confusion was bound to reflect itself in the press and that this in turn influenced U.S. public opinion and that U.S. public opinion had its influence on U.S. policy.

The Ambassador said that he agreed and that he had written to President Arévalo along these general lines. I said that as he knew, the State Department believed that the responsible elements in the Guatemalan Government would solve their problem in their own way and that they should do so without outside interference. I said that it would, however, be helpful, as far as U.S. public opinion is concerned,

¹ Chilean poet and political leader, expelled from the Chilean Senate in 1948 together with other Communist members.

if the Guatemalan Government would help the Department in its efforts to prevent further misunderstanding on the part of public opinion.

The Ambassador then spoke of the practices of the United Fruit Company which he said are responsible for the success which Pinto Usaga and Gutiérrez² have had in posing as the champions of the Guatemalan people. He said that, for example, when the United Fruit Company took a legalistic stand on some issue such as income taxes or the closed shop plan, it might temporarily prevail in the courts but that its long term interests were prejudiced. He said that the Government finds it politically difficult to defend the company in view of its patronizing and uncooperative attitude. He expressed the opinion that if "some little concession" can be made by the company this would weaken the position of the extremists and enable the Government better to control developments.

I said that I anticipated that there were two sides to the feeling of distrust which the Government apparently had for the United Fruit Company, but that I would look into the matter to see what might be done since it was obviously in everyone's interest to bring about a restoration of confidence between the company and the Government. I added that the Department had no power or desire to direct particular decisions and policies of American companies.

The Ambassador said that Pinto Usaga and Gutiérrez were rivals and that it might be feasible to bring about a rift between them which would weaken both. He asked whether I had given any thought as to how this might be done and I said that I had not.

² Víctor Manuel Gutiérrez Garbin, Secretary-General of the Confederación de Trabajadores de Guatemala (CTG).

611.14/5-1450 : Telegram

The Chargé in Guatemala to the Secretary of State

CONFIDENTIAL

GUATEMALA CITY, May 14, 1950—6 p. m.

170. Deptel 119, May 12.¹ Assistant Secretary Miller's visit no doubt will be given sinister propaganda twist by extremists, will be exploited by government to show good relations not impaired by so-called Patterson affair, and may confound opposition, but Embassy believes this offset by opportunity for frank talks with top level officials re matters adversely affecting US-Guatemalan relations. If Guatemala omitted from itinerary which includes neighboring countries might be interpreted as policy aloofness tantamount political

¹ In this telegram the Department had in part requested the Embassy's opinion regarding the advisability of Mr. Miller including Guatemala on his itinerary during his projected visit to Central America. (611.14/5-1250)

sanctions and propagandized as proof US Government role in alleged "reactionary plot" against Arévalo regime. Moreover, visit seems consistent policy outlined Deptel 115, May 5; whereas skipping Guatemala could be taken as deliberate slight lumping government and pro-Communists together with probable result increasing present tension.

Unless meantime new United Fruit conflict (Embtel 168, May 8)² develops into such crisis visit likely to be interpreted as diplomatic intervention, Embassy considers Miller visit desirable as excellent opportunity for constructive effort improve Guatemalan understanding our policy and attitude. Any date convenient.

WELLS

² The Embassy had reported in telegram 168 that the company had on May 8 submitted to the Government notice of its intent to abandon all its plantations on the north coast of Guatemala due to *force majeure*. "Storm damages had already caused step be contemplated . . . and final decision made in atmosphere of labor contract stalemate in negotiations with SETUF Company union . . . over disguised closed shop issue with prospects issue be thrown into court by labor inspector." (814.062/5-850) SETUF stood for Sindicato de Empresa de Trabajadores de la United Fruit.

714.00/5-1550

Memorandum of Conversation, by the Director of the Office of Middle American Affairs (Mann)

[WASHINGTON,] May 15, 1950.

Participants: Mr. Thomas Corcoran of the law firm Corcoran and Youngman, Washington, D.C.;
Mr. Thomas C. Mann, Director, MID

Mr. Corcoran, who represents the United Fruit Company and other American clients with investments in Guatemala, called today at his request.

After discussing recent developments in Guatemala, he inquired whether the Department had any program for bringing about the election of a middle-of-the-road candidate in Guatemala. I said that we did not have and that any attempt by the Government to intervene would not only be counterproductive, but would meet with opposition in Guatemala, in the other American republics and in the United States itself. I said that I believed this would be true as long as there was any possibility of the Guatemalans working their problems out for themselves, although I would not like to try to guess what the policy in the future might be if it were definitely determined that the Guatemalan Government and people had fallen under the totalitarian control of Communist elements.

Mr. Corcoran said that he agreed that the United States Government could not take effective action at this time, but said he had been turning over in his mind the possibility that the American companies

might agree between themselves on some method to bring moderate elements into power in Guatemala. He said that it was his opinion that the American companies should make concessions in the form of income taxes and other things, but that the die was already cast between the companies and the present Government and that his clients would never agree to making any concessions to those now in power. He went on to say that Arbenz, like Macbeth, could not last and that he considered that something ought to be done by the American companies to bring about a measure of political stability and social tranquility.

I said that I was obliged to disagree for the reason, among others, that an attempt by American companies to influence the electoral campaign would greatly weaken their position in Guatemala and only add to the present difficulties. I said that this was particularly true since it was idle to suppose that a plan of this kind could be kept secret and since, even if the plan were successful, they would have no assurance that the person selected by the American companies would not turn out to be a patriotic Guatemalan.

The conversation ended with Mr. Corcoran's statement that he would not take any action along the line suggested without consulting with the Department.

In the course of the conversation he said that he believed it would become increasingly necessary for the U.S. to exercise a greater degree of control over Latin American and that there would be a growing demand in the U.S. for a Latin American policy which would open up the way for larger investments. I said that I would be surprised if a majority of the American public should wish to sacrifice hemisphere solidarity and the Inter-American system absent overriding military considerations which did not appear to exist at this time.

The conversation was entirely pleasant and I was left with the impression that perhaps Mr. Corcoran might wish to raise the subject again with the Department at some later date.

611.14/5-1750

The Chargé in Guatemala (Wells) to the Department of State

CONFIDENTIAL

GUATEMALA [CITY], May 17, 1950.

No. 607

Subject: "United States-Guatemalan Relations; United Fruit Company."

The ARA memorandum¹ on the above subject, prepared by Mr. John F. Fishburn, poses a policy question of such importance that the Embassy welcomes an opportunity to comment.

¹ Of April 19, p. 880.

The memorandum seems to argue from the premises that discrimination against large agricultural firms follows a modern labor trend in the United States and elsewhere, and that appeasement of labor is a necessary evil to stimulation of democracy, and comes up with the far-reaching conclusion the Department should "adopt a general policy of refraining from attempting to extend diplomatic protection to American firms in connection with labor problems in Latin America".

The Embassy believes that American business enterprises operating abroad legitimately are *entitled* to the appropriate measure or degree of protection by the United States Government if and when discriminated against in fact; and that it is a *duty* of the Foreign Service to render appropriate assistance in such cases, whether the discrimination involves labor or taxes, for example, is immaterial. American business does not have any special obligation to finance labor and social reforms abroad out of proportion to the responsibility of domestic business.* Apart from the practical consideration that such an obligation might place the foreign firm in an unfavorable competitive situation, it would seem to constitute unfair treatment as understood in international practices; and when unfair treatment is suffered by virtue of a firm's foreign character, its only recourse is to look to its own government for assistance. This assistance, or protection, is implicit in international relations. Otherwise, all international treaties, conventions, pronouncements, et cetera, looking to equal opportunity and fair treatment of foreign nationals and interests are but meaningless phrases.

Admittedly, the degree of assistance or protection must be conditioned by circumstances and coordinated with overall policy. But, where discrimination clearly exists, then mutual respect for international law and accepted practices requires the foreign Government to take cognizance of the situation in fulfillment of its duty to protect the legitimate interests of its nationals abroad, and obligates the host Government to admit the right of so-called diplomatic intervention.

The Embassy is not concerned with "white-washing" the United Fruit Company; nor does it contend the company's public relations have been perfect. The essential point is, so it seems, that it is an obligation of the Department and the Foreign Service to lend *appropriate* assistance and protection to American interests abroad. What form and forcefulness this assistance should take in a given case must be determined at the time. The last paragraph of the ARA memorandum suggests one line of approach which might appear to

*American firms operating abroad should be encouraged to set high standards as regards labor relations, wages, working conditions, et cetera, but it is not felt they have any special social obligation to sacrifice their competitive position just to be in the forefront of social reform; nor should their right to appropriate protection from the United States Government be sacrificed for the same reason. [Footnote in the source text.]

be the feasible one in some instances. Each case must be weighed in the light of circumstances. However, in the Embassy's considered opinion, the adoption of a general policy of refraining from extending diplomatic protection to American firms abroad in labor conflicts would compromise a sound principle and set a dangerous precedent; it would be tantamount to discrimination against legitimate American interests in favor of a pressure group abroad.

I enclose a memorandum on the subject prepared by Third Secretary (and labor reporting officer) Kenedon P. Steins, which, I am confident, the Department will find pertinent and interesting.

MILTON K. WELLS

[Enclosure]

CONFIDENTIAL

MAY 16, 1950.

MEMORANDUM

Subject: Comments on ARA Memorandum

Herewith are a few comments that occur to me on reading the ARA memorandum about "U.S.-Guatemalan Relations; United Fruit Company". It offers much food for thought, but I must say I disagree with some of the statements and main ideas.

Labor Troubles Caused by Discrimination Issue?

The writer opens his exposition with a statement that seems to me quite incorrect: "The labor difficulties which the United Fruit Company has been experiencing in Guatemala stem from the Company's feeling that the same regulations which apply to other agricultural firms should also apply to it." I was not in Guatemala during the big 1948-9 United Fruit conflict, but from what I have read and heard about it I understand that the Labor Code discrimination issue played no part in it. As for the present United Fruit conflict, I have seen no indication that the discrimination issue has anything to do with the matter.

The 1948-9 dispute began when the "... Company ... received petitions for wage increases and other demands from its workers' unions on both its Pacific and Caribbean coast properties."† In other words, it originated as a not uncommon conflict between employer and workers over demands by the latter on wages and working conditions. But besides being a labor question, it became also very much a political affair, in which, again, the Labor Code discriminations against the Company did not enter, except insofar as the same prejudices that had produced those discriminations were in play to complicate the labor

†Embassy's Report No. 61, April 22, 1949 "Labor-Guatemala-1948-and First Quarter 1949". [Not printed (814.504/4-2249). Footnote in the source text.]

conflict. The all-important non-labor aspect of that conflict was well summarized as follows:

The United Fruit Company conflict was a complex problem involving far more than the labor issues which touched it off. It was fundamentally an expression of nationalistic prejudice against a powerful American company which was being held accountable today for what Guatemalans felt they had suffered in the past, when old-fashioned "imperialism" was not unknown. The present size and prosperity of the company readily provided fuel to the flames of emotion engendered on this basis by vocal enemies of the Company, and despite the determination of the present-day management of the company to follow an enlightened policy, eradication of the latent Guatemalan distrust will be a matter of years.†

The United Fruit labor conflict now underway had, once more, perfectly normal origins without any connection whatsoever with the Labor Code discrimination issue: the Company's collective contracts with the unions of its workers expired, thus giving rise to the necessity of negotiating new contracts. Negotiations with the union SETUFCO have now been complicated by the company's decision to close down its operations in the SETUFCO area, but the factors to be observed behind that decision are climatological (storm damage) and, botanical (plant-disease damage), plus that of a union demand that the company claims to be a disguised closed shop.² In the current dispute, politics have once again raised their ugly head, but there has been no mention or hint, from anybody, of the old issue of Labor Code discrimination, which seems to have been relegated to a back seat for some time.

Labor Code Discriminations Favored by Guatemalans?

It may be that the distinctions established by the Labor Code (minus one), as the author says, "appear to be legitimate in terms of modern thinking". It is worth noting, however, since he remarks that they represent the "feeling of many Guatemalans", that organized labor in Guatemala has been trying for a long time to revise the Labor Code articles which "... are opposed by labor as discriminating against the great mass of rural labor employed on smaller farms. The same articles are opposed by the United Fruit Company, also on grounds of discrimination".§

† *Ibid.* [Footnote in the source text.]

² In despatch 757 from Guatemala, June 16, 1950, the Embassy reported in part that the company and the SETUFCO had on June 13 signed a new contract, and that the company's proposed abandonment of its properties on the north coast of Guatemala had been cancelled. "The modifications that the renewed contract includes contain no hiring or firing discriminations of a closed-shop nature, so that United Fruit won its point on that issue." (814.062/6-1650)

§ Embassy's despatch no. 574, May 11, 1950, "Quarterly Labor Review—Fourth Quarter—1949". [Not printed (814.06/5-1150). Footnote in the source text.]

Why the Discrimination?

The memorandum argues as follows: "It has been argued that the Code is discriminatory against the United Fruit Company because of the firm's U.S. ownership. This argument can hardly be sustained inasmuch as no other American firm operating in Guatemala alleges such discrimination with respect to provisions of the Code". The only point that is really made with this passage is that the Labor Code does not discriminate against any other American company in Guatemala. We are still faced with the fact that it does discriminate against the United Fruit Company.

That it should discriminate against the United Fruit and against no other American firm is not so strange as it would seem. In the first place, the discriminatory provisions are such that United Fruit is the only American company in a category to be touched by them, and if the Code's writers had wished to discriminate against some other U.S. firm as well, different discriminatory provisions would have been necessary. In the second place, as I say, it does not seem unnatural that United Fruit should have been singled out among U.S. firms in Guatemala as a target by gringophobes. It is after all the biggest of these firms.

Now, as to the relative importance of the factors of United Fruit's U.S. ownership, its size, its past history or its present power in motivating discrimination against it I am not in a position to make a categorical statement, but the essential fact is that United Fruit *is* discriminated against. The fact is, in short, that the Labor Code's discriminatory provisions were not conceived of as "following a trend in the United States and in other countries", but were conjured up with the United Fruit Company specifically in mind.

Paternalism vs. Industrial Democracy?

The memorandum admits that United Fruit pays "higher wages than any other agricultural firm in Guatemala". It says that maybe the company was forced by "local pressures" into the "relatively high wages and favorable working conditions" that it offers, but that even if they were "granted voluntarily" the company doesn't necessarily deserve any credit for them. In this paragraph the principal implication appears to be that the United Fruit people can't go to heaven no matter what they do.

But it contains another implication in passing, that seems to contradict the earlier statement that the company's labor troubles "stem from" opposition to Labor Code discriminations. We are admonished that, ". . . the Company will have to learn that labor very often does not appreciate paternalism but wishes to share in determining its own fate. This trend to extend democracy into industrial relations is very powerful". Do we have any evidence that United Fruit's recent labor

troubles stem from the company's "paternalism" or its opposition to the extension of "democracy into industrial relations"? Such things as the illegal slowdown strike that was a major irritant in the 1948-9 conflict are, to my way of thinking, a far cry from any issue of democracy in industrial relations as well as from any issue of Labor Code discriminations.

Embassy Intervention

Now as to what the Embassy should or should not do in these matters. The memorandum says: "It has been argued that the American companies are in the right and that, therefore, come what may, this Government should protect them. In the labor field it is oftentimes impossible to say where labor demands and where management's policies are right or wrong." With reference to the first sentence, I should like to restate it this way: whenever and wherever American companies are in the right, this Government should indeed do what it can to protect them. With regard to the second sentence, what it says is obviously true; and it should hardly be necessary to add that our Government has no intention of stepping into every labor dispute between United Fruit and its unions and deciding how much of the wage demands should be granted or any other such point. That is not our business. It is our business, on the other hand, to protect legitimate American interests, whether they consist of a huge private enterprise that is being handled unfairly or an American citizen who has lost his passport.

The memorandum in reality only clouds the issue by bringing up the Novella cement case and concluding that, "The problem, therefore, is by no means entirely one of discrimination against foreign firms, but rather it is also one of general, internal labor relations." If the Guatemalans want to handle a Guatemalan company roughly, that, again, is none of our business. But if they handle an American company roughly it *is* our business. Naturally we should take into account, in our evaluation of United Fruit labor troubles, that there is also a problem "of general, internal labor relations", and it would be, as the memorandum expresses it, "unwise for us to be tied to the Company's position, without regard for Guatemala's aspirations or sovereign feelings". We do not consider ourselves "tied to the Company's position" (what position, by the way?), but by the same token neither are we properly the standard-bearers of "Guatemala's aspirations and sovereign feelings". If Guatemala feels sovereign by kicking around foreign companies, we frankly do not sympathize with such "aspirations" as these.

Also, we recognize the "difficulty of reaching objective judgements of fairness and legality", and would in every case hesitate to intervene unless unfairness and illegality were reasonably clear to us. I

can hardly disagree with the broad statement that, ". . . as a general rule, it would appear unwise for this Government to make diplomatic representations in cases of labor disputes." Surely it is understood that the mere existence of a labor dispute is not considered grounds for diplomatic representation. Labor disputes may come and go, and it is to our interest here that U.S. firms settle theirs within the bounds of fairness and legality.

Policy Suggested

The memorandum concludes with the suggestion "that the Department adopt a general policy of refraining from attempting to extend diplomatic protection to American firms in connection with labor problems in Latin America". I wonder, first, whether we have the right to so refrain, and second, if it would be good policy. I have already stated what is, to the best of my knowledge, a basic tenet of the Foreign Service: the protection of legitimate American interests abroad. Is not this tenet not just a policy, for us, but a *raison d'être*? Adoption of the suggested policy would mean a serious curtailment of that protection. Is it consciously proposed then, to amend one of the very purposes of the Foreign Service's existence?

Be that as it may, I question whether the policy suggested would be good policy. It seems to be based on two premises: that the diplomatic protection referred to would only be ineffectual bucking of a wave of the future; and that it plays into the hands of the communists.

Wave of the Future?

I infer from the memorandum a bit of confusion about the intent of such diplomatic protection. That the Company should be "expected to do more than grant higher wages and better working conditions than its smaller, local competitors" is labeled an "inevitable trend". What more the company might do is not mentioned, so it is unclear to where this "inevitable trend" leads. As far as Guatemala is concerned, besides the "higher wages and better working conditions" which United Fruit already provides, the company's chief extra duty appears to be to serve as a whipping-boy for the exigencies of national politics and, more particularly, as a big fat sitting-duck for communist propaganda. The Embassy feels that the United Fruit Company is not bound to accept these special functions in good grace.

I repeat that the Embassy does not conceive of its potential diplomatic protection as a weapon at the service of the United Fruit Company to freeze wages or working-hours or any other legitimate demands of labor, but rather as the force of influence to which United Fruit or any other U.S. firms can resort—by right—for intervention against *unjust* treatment. As to its effectiveness, that of course will vary with each specific case, but I am a little surprised that the memorandum speaks of our "unfortunate and ineffective attempts to help

the Company". I have the impression that U.S. Government support of United Fruit last year *did* have some effect on the eventual outcome of that affair.

Prevent Communist Poses?

The other main motive for the suggestion made—that our representations “permit the Communists to pose as the champions of labor and national sovereignty”—does not hold much water in my opinion. In the making, or retaining, of any Government policy nowadays, one of the factors that should receive careful consideration is, I believe, that of what propaganda value the policy would furnish to the communists. But that factor is, after all, only one of many. If we allowed that factor to be an overriding consideration our foreign policy would be very literally a “do-nothing” policy.

The communists exploit the Marshall Plan for all the political capital they can get out of it. They have had a heyday with the North Atlantic Pact, propaganda-wise, and are going strong on the Mutual Aid implementation of it. In Guatemala the United Fruit Company will always be a prize target for the communists because it is a “natural” for their Latin American line of anti-“imperialism”. We are witnessing abundant proof of that right now: United Fruit has been daily cursed by local commies because it put its imperialist tentacles in Guatemala and because it has stayed here—and now it is being roundly cursed because (in one of its two divisions) it wants to go away!

As for local anti-communists, as far as I have been able to observe, the thinking members of those circles feel impatient with our extreme forbearance and what they see as our reluctance to stand up for our rights and protect our legitimate interests and prestige. One of the byproducts of the policy suggested would be a sharp loss of face among many elements in these countries. And as for the communists, they of course will make the most of whatever we do—or don't do. If we flounder around looking for non-existent policies that the Communists cannot twist and exploit, we will have gone miserably and ridiculously on the defensive.

KENEDON P. STEINS

Third Secretary of Embassy

Under Secretary's Meetings, Lot 53 D 250, Documents

*Memorandum by the Director of the Executive Secretariat
(McWilliams)*

CONFIDENTIAL
UMD-101

[WASHINGTON,] May 29, 1950.

UNDER SECRETARY'S MEETING

Current Relations With Guatemala

The attached paper, prepared in ARA, is circulated for information and discussion. The present policy has already been determined in ARA but because of the unusual interest expressed on the Hill and elsewhere they are seeking the concurrence of Mr. Webb¹ and a discussion of the matter in the Under Secretary's Meeting.

The paper describes the present unsatisfactory situation in Guatemala due partly to the Communist influence in labor unions and government. It traces the origins of the trouble and the role played by the United Fruit Company. It states the U.S. policy of isolating the Communists from other political forces and counselling caution and moderation in carrying out social reforms.

W. J. McWILLIAMS

[Enclosure]

CURRENT RELATIONS WITH GUATEMALA

PROBLEM

To Assess our Current Relations with Guatemala.

BACKGROUND

For the past several years there has been developing in Guatemala a situation which the Department has viewed with concern. An excessive nationalism, which has manifested itself by a hostile attitude toward private United States companies operating in Guatemala, a proclivity on the part of a weak President and others in the government for fuzzy economic and political philosophies and an upsurge of the influence of international communism of the Latin American variety, which has taken full advantage of the first two factors, have combined to create this situation.

For a clear understanding of the Guatemalan problem, one must take into account the history of the Republic. Guatemalan politics have always been turbulent and unstable. With one or two exceptions the Republic has been ruled since its independence in 1829 by dictators,

¹ James E. Webb, Under Secretary of State.

some of them notorious for their cruelty and methods of ruthless repression. The social system, inherited from the Spaniards, has for centuries been feudal, with the white population regarding the Indians, who comprise two-thirds of the total population, as vastly inferior beings and treating them accordingly. There have long been wide cleavages in the distribution of wealth with a resulting low standard of living for the masses. Foreign companies, through arrangements favorable to the dictator in power at the moment, have been able in the past to obtain large concessions and special privileges.

In 1944 one of the most ruthless of all Guatemalan dictators was overthrown by what amounted to a truly popular uprising supported by all segments of the population. Popular elections followed, and Juan José Arévalo, a liberal and progressive-minded ex-teacher, was elected President by an overwhelming popular vote.

Shortly thereafter Guatemala embarked on a social, economic and political program which in general terms aimed at improving the standard of living of the masses, protecting them from the abuses of the old feudal system, and achieving freedom and democracy for the Guatemalan people.

This program was at its outset commendable. By and large, there was freedom of speech and of the press. There were few political exiles. The government instituted a system of social security which was efficiently and honestly run. In order to further the cause of the workers it enacted labor legislation and sponsored the formation of labor unions.

Soon, however, the government's pro-labor attitude, especially as expressed in the Labor Code and its administration, brought the government into direct conflict with the U.S.-owned United Fruit Company, the largest single employer in the country. This conflict was aggravated by a nationalistic tendency on the part of labor and key government officials and by the influence of international communism in the labor movement and in pro-government circles. The United Fruit Company, for whom there is a deep-seated mistrust on the part of many Guatemalans because of its size, prosperity, past policies and foreign ownership, fought important sections of the Labor Code on the grounds that they were discriminatory against it. This resistance brought charges that the Company was both anti-national and anti-labor. Although there were differences of opinion in the Department itself as to whether the stand of the United Fruit Company in regard to these sections was legally justified, the Department made representations to the Guatemalan Government on behalf of the United Fruit Company, seeking for it what we regarded as just and equitable treatment under the law. As a consequence of its position the United Fruit Company was soon portrayed as the arch enemy of Guatemalan "democracy" and the Revolution; the United

States Government, because of its support of the United Fruit Company and other United States interests which later on became involved in similar labor conflicts, also became in the eyes of many an enemy of the revolution.

The United States found itself opposed to certain Guatemalan policies in the international field also. The intense feeling on the part of Guatemalans against dictatorships manifested itself in the Guatemalan Government's sponsorship and assistance to the so-called "Caribbean Legion". This was a group of political malcontents dedicated to the overthrow of "dictatorship" governments such as those of General Somoza and Trujillo. The Guatemalan Government supported this movement financially as well as ideologically, and as a result has been one of the principal causes of unrest and instability in the Caribbean. Recently Guatemala was named by an investigating committee of the OAS as one of the countries responsible for this deplorable situation in the Caribbean area.²

Another important factor which has influenced the climate of political opinion in Guatemala, especially vis-à-vis the United States and United States' interests, has been the degree to which international communism has penetrated into Guatemala. A mimeographed study of communist penetration in Guatemala prepared by ARA for Mr. Kennan (Tab A) is attached.³ Through the inter-American labor federation of pro-communist Vicente Lombardo Toledano, they have succeeded in seizing tight control of the labor unions. They have also, to some extent, gained an important foothold in two of the three pro-government political parties. Also, they have managed to infiltrate into certain governmental positions. While it is not considered that the Communists control the government at this time, their influence is considerable and should not be underestimated.

As a result of the developments described above our relations with Guatemala have gradually deteriorated over the past several years. Recently relations reached a low point when on March 24 the Guatemalan Government requested the recall of our Ambassador, the Honorable Richard C. Patterson, Jr., on the grounds that he had been intervening in Guatemala's internal affairs. The Department categorically rejected these charges.

PAST AND PRESENT POLICY TOWARDS GUATEMALA

At the inception of the present government of Guatemala the Department looked with favor upon its attempts to achieve a form of democratic government and to introduce needed social reforms. As

² For further information, see pp. 641 ff.

³ Dated March 23, 1950, not printed.

the influence of the extreme nationalists and the Communists became preponderant and the United States companies and the United States itself became the prime targets for attack, however, the Department has attempted, through diplomatic and private channels, to persuade the Guatemalan Government that its nationalistic policies are not only contrary to United States interests but to the best interests of the Guatemalan Government and the Guatemalan people as well. We have carefully attempted to make it clear that we do not oppose progressive social reforms as such but merely counsel caution and moderation. We have sought what we regard as just treatment for United States' interests in Guatemala and have endeavored to convince the Guatemalans that the disputes between United States companies and the labor unions should be kept on the basis of an employer-employee relationship and that nationalistic jingoism should not be allowed to confuse the issue to the detriment of United States-Guatemalan relations.

In the international field we have endeavored to persuade the Guatemalan Government that it should abandon its Caribbean Legion activities and honor its commitments to preserve the peace of the hemisphere. We have consistently urged the Guatemalan Government to ratify the Rio Treaty which it has not as yet done.

With regard to the present situation, the Department has considered such action as placing the case before the Organization of American States, withdrawing technical assistance programs and imposing unilateral sanctions. It has concluded, however, that such action is not justified at this time because (1) United States interests, in spite of the attacks they have been subjected to, have suffered no serious harm and are still intact and operating, (2) Guatemala is presently engaged in a bitter internal presidential election campaign, the results of which cannot be predicted at this time, and (3) while it is true that the Communists are influential both within the Government and without, especially in the labor unions, they do not hold key positions in the government, and there is still reason to hope that they may be repudiated by the more responsible elements of Guatemala.

For the present, therefore, the Department has adopted a policy the aim of which is to reduce and destroy the influence of the Communists and extremists by bringing about their isolation from other political forces and by making moderate groups aware of the real harm being done to United States-Guatemalan relationships by present trends in that country. To that end we desire to avoid actions or statements which tend to throw Communist and non-Communist elements together by providing an issue of "foreign pressure", which the moderates would have to join in opposing or find themselves in the politically untenable position of being labeled unpatriotic.

It is intended that this policy be accomplished by means of frank and open discussions of the problem by Department officials, both here in Washington with the Guatemalan Ambassador and in Guatemala with the President, the Foreign Minister and other officials as well as with responsible persons outside of the government. We are continuing existing cooperative technical assistance programs for the present, putting the onus on the Guatemalans for their continuation in the future, but are not authorizing new programs. An example of the type of approach we are utilizing is shown in the attached copy of a memorandum of conversation between an official of the Office of Middle American Affairs⁴ and the Guatemalan Ambassador dated May 12 (Tab B).⁵ We have outlined this policy fully in a telegram to our Chargé d'Affaires dated May 5, 1950⁶ and have authorized him to follow this line in talking to officials locally.

Such an approach on our part admittedly will require patience and involves certain risks, but we believe it offers the best chance of discrediting extremist influence in Guatemala and bringing an eventual return to good relations based on considerations of mutual respect. We would emphasize, however, that there is no disposition to regard the communist threat or the overall situation in Guatemala as other than serious and that the policy outlined above is one designed to meet the current situation only. Further deterioration in relations would very probably require a re-evaluation and revision of the present policy.

RECOMMENDATION

It is recommended that we continue our present policy at least until such time as there may be developments which indicate a change of policy is desirable or necessary.

⁴ Mr. Mann.

⁵ *Ante*, p. 886.

⁶ No. 115, p. 884.

Under Secretary's Meetings, Lot 53 D 250,
Minutes-Memoranda

Unsigned Memorandum of the Under Secretary's Meeting

CONFIDENTIAL

[WASHINGTON,] June 2, 1950 [10 a. m.]

1. *Current Relations with Guatemala* (UM D-101)

Mr. Miller mentioned the Guatemalan request for Ambassador Patterson's recall and the subsequent speech by Senator Wiley¹ pointing out the seriousness of the situation. He asked the members of the

¹ Alexander Wiley of Wisconsin, a member of the Senate Foreign Relations Committee. Text of his remarks of April 27, "Communist Outrages in Guatemala," is printed in the *Congressional Record*, vol. 96, pt. 5, pp. 5879-5881.

UM for their views on (a) present policy towards Guatemala; (b) possible tougher policies; (c) the status of Ambassador Patterson; and (d) Mr. Miller's proposed visit to Guatemala.

Mr. McGhee² asked about the role of the United Fruit Company and likened the Guatemalan situation to that existing in Liberia and Saudi Arabia where Firestone and Aramco dominate the local economy. Mr. Miller indicated that the record of the United Fruit Company had been bad in the past and that they have not moved fast enough with the times. In spite of their higher wage scales, they are deficient especially in public relations and the handling of grievances. Mr. McGhee pointed to the danger inherent in the dominating position which the company may hold with respect to our own Embassy people.

Mr. Jessup³ asked what our relations are with the management of the United Fruit Company. Mr. Miller replied that we have a good working relationship with the top people in the United States but that this does not carry over to their local representatives. He felt that the company was moving in the right direction but that it would be some time before the local representatives changed their attitudes.

Mr. Howe⁴ suggested that ARA might send a prominent new Ambassador who would be able to talk firmly to the United Fruit Company and to encourage local non-Communist elements. Mr. Miller felt it was largely a matter of timing, complicated by the fact that this is an election year in Guatemala. Mr. McGhee suggested that the next Ambassador should have a labor background but Mr. Miller said that he preferred to know what he was getting and therefore favored a career man. He intends, however, to send a Labor Attaché to the post.

Mr. Perkins⁵ mentioned the difficulty the company had in getting good management and indicated that this was one of the main obstacles to changing their old ways.

Mr. Jessup commented that the memorandum does not sufficiently emphasize that we should praise the Guatemalans for the progress they are making—it concentrates rather on their weak points.

Mr. Miller mentioned that Cuba, Costa Rica, and Mexico are also working with Arevalo and impressing on him the seriousness of the Communist situation.⁶

[Here follows a discussion of topics other than Guatemala.]

² George C. McGhee, Assistant Secretary of State for Near Eastern, South Asian, and African Affairs.

³ Philip C. Jessup, Ambassador at Large.

⁴ Fisher Howe, Deputy Special Assistant for Intelligence.

⁵ George W. Perkins, Assistant Secretary of State for European Affairs.

⁶ An unsigned "Action Summary" of this meeting dated June 2 stated: "General concurrence was expressed with the policy outlined in the ARA paper." (Lot 53 D 250: Box 2: Folder 2: UM S-201)

611.14/6-650

*Mr. Edward W. Clark of the Office of Middle American Affairs to the
Chargé in Guatemala (Wells)*

CONFIDENTIAL

WASHINGTON, June 6, 1950.

OFFICIAL INFORMAL

DEAR MILTON: I enclose for your information a copy of a memorandum of conversation dated May 31¹ which took place between the Mexican Ambassador to the Organization of American States and Mr. Miller. You will note that in section 3 of the memorandum of conversation, Ambassador Quintanilla urged Mr. Miller to give Guatemala special treatment on his trip to Central America in order to make Guatemala "feel that it is a part of the American family of nations". You will note also that Mr. Miller did not think much of this idea and told Ambassador Quintanilla as much.

Your despatch² based on John Fishburn's memorandum³ has disappeared somewhere in the labyrinth of ARA bureaucracy since I sent it forward with the comment that I concurred wholeheartedly. Neither Fishburn nor anyone else has even mentioned the existence of the despatch and I suppose it will end up by being filed without comment. I personally was very pleased with the despatch and thought Kenny Steins picked Fishburn's memorandum to pieces in a very telling manner. All of us here in MID think Fishburn is way off the beam in his thinking on this matter and have so told him. We had a go around with him on the basis of the memorandum from Mr. Miller to Mr. Webb on the Guatemalan situation, a copy of which I sent you recently. All in all he is a difficult man to deal with.

You will be interested to know that on the basis of the memorandum to Mr. Webb, Ed Miller discussed our policy position on Guatemala at last week's meeting of Assistant Secretaries. Ambassador Jessup presided and also in attendance were Mr. Dulles,⁴ George Butler representing the Policy Planning Staff and all the other Assistant Secretaries. The situation relating to our relations with Guatemala was discussed thoroughly and full approval was given at this meeting to the policy which we are presently following. As I understand it, this constitutes policy approval at the highest level in the Department, not counting the Secretary himself. We now feel, therefore, that we in truth have complete Department backing for what we are presently attempting to do vis-à-vis Guatemala.

Colonel Lopez Morales, Guatemalan representative on the Inter-American Defense Board, invited me to luncheon last Friday and told

¹ Not printed.

² No. 607 of May 17, p. 889.

³ Dated April 19, p. 880.

⁴ John Foster Dulles, Consultant to the Secretary of State.

me he was going to Guatemala the following day to endeavor to influence President Arévalo and Arbenz to do something to put our relations back on the right track. He had in mind, I believe, urging them to apologize for what they had done to Ambassador Patterson and asking the United States to "normalize" relations by sending a new Ambassador. Although he was obviously feeling me out to find out how the Department felt, I gave him no encouragement. I told him simply that in my judgment the initiative for "normalizing" our relations again lay with Guatemala and we were hopeful that the Guatemalan Government would recognize those elements who were responsible for what had happened for what they really are. I don't know how much influence Lopez Morales has with Arbenz or Arévalo but he told me that Arbenz was once his pupil in the Military School. I told Lopez Morales, incidentally, to give you my best regards if he should see you.

Ambassador Goubaud, it seems, is also greatly interested in "normalizing" our relations. He asked me at a party the other night how things were going and if something couldn't be done soon to "normalize" things. I told Ambassador Goubaud, as I had told Colonel Lopez Morales that same afternoon, that in my judgment "normalization" depended on what transpired in the future in Guatemala.

We found your despatch⁵ covering your talk with the Cuban Minister very interesting. I took occasion to point out to Mr. Miller in a memorandum that I thought the Guatemalans were just as interested as, if not more than, the Cuban Minister in when we were going to send a new Ambassador to Guatemala. Mr. Miller and all the rest of us agree that we should be in no hurry to send an Ambassador and that we should instead allow the Guatemalans to stew in their own juice for a while.

Of course the Fortuny resignation from PAR⁶ has been the most significant development of all and we are following your reporting on this matter with the greatest of interest.

Forgive my verbosity. There were, however, these few things which I wanted to pass on to you.

Sincerely,

EDWARD W. CLARK

⁵ No. 638, May 24, 1950, not printed.

⁶ On May 20 a number of political leaders who had previously maintained dual membership in the PAR and the PCG (Partido Comunista de Guatemala) had resigned from the former organization.

110.15 MI/7-750

*The Chargé in Guatemala (Wells) to the Department of State*CONFIDENTIAL
No. 13

GUATEMALA [CITY], July 7, 1950.

Subject: Visit of Assistant Secretary Miller

Such reaction as has been observed as of today confirms the Embassy's initial impression that the brief visit¹ to Guatemala of the Assistant Secretary of State, Mr. Edward G. Miller, Jr., was both timely and constructive, promising future local developments favorable to a gradual elimination of Communist influences and a consequent improvement of relations with the United States.

The highlights of the visit were Mr. Miller's frank talk with President Arévalo, during which the latter gave categoric assurances that Guatemala's international position is one of support of the United States and the United Nations, and a well-attended press conference which afforded a good opportunity to focus public attention upon the harmful influence of the extremists upon Guatemala's relations with the United States. A typical coverage of this press conference is the *El Imparcial* version enclosed with the Embassy's Despatch no. 8 of July 6.²

[Here follow details of Mr. Miller's itinerary.]

Call upon the Foreign Minister. The courtesy call upon Foreign Minister Ismael Gonzalez Arévalo turned out to be entirely protocolar in nature. Mr. Miller indicated his visit was of good will character and that he did not have anything particular in mind to discuss. The Foreign Minister showed no disposition whatsoever to turn the conversation to substantive matters. After about 45 minutes of pleasantries, the interview terminated and the party was escorted by the Chief of Protocol on a sightseeing tour of the National Palace while waiting for the five o'clock appointment with the President.

Interview with President Arévalo. The President, accompanied by the Foreign Minister, received Mr. Miller, Congressman Jackson,³ Mr. Rankin⁴ and me, in the grand ballroom. His manner was most cordial and informal. About fifteen minutes had been spent in an exchange of pleasantries when the President inquired as to when it is proposed to designate a replacement for Ambassador Patterson. As he later told press representatives, the Assistant Secretary said the matter is entirely in the hands of President Truman, giving Arévalo

¹ Mr. Miller arrived in Guatemala at noon on July 3 and departed the following morning.

² Not printed.

³ Donald L. Jackson of California, a member of the House Committee on Foreign Affairs.

⁴ Forney A. Rankin, Public Affairs Adviser to the Bureau of Inter-American Affairs.

little cause for encouragement on this score. (I personally regard the President's quisitiveness [*sic*] as another good indication that Guatemalan officialdom is greatly worried by our delay in appointing a new Ambassador. At the Fourth of July reception the following day, the Minister of Government, Licenciado Cesar Solis, put the same question to me, adding his opinion that our problems were "little problems", solution of which would be facilitated by the arrival of another Ambassador.)

The turn of the conversation gave opportunity for Mr. Miller to express himself forcefully and frankly on the subject of relations with Guatemala, the overt anti-United States propaganda of extremists identified with the Government, and our determined policy of non-intervention in the internal affairs of this country. He said we have demonstrated every desire to cooperate, and, while understanding the difficult internal political problems with which the present regime must wrestle, it pains us to observe the constant anti-imperialistic propaganda directed against us by the Guatemalan press and radio, frequently identified with the Government. He mentioned specifically the pro-Communist *Diario de la Mañana* editorial on the Korean situation (Embtel 225 June 30).⁵ (On this, the Foreign Minister interposed the comment that said editorial indeed expressed a viewpoint contrary to the Government's attitude; and later he told me he was especially pleased when Mr. Miller brought up the subject of the editorial since it would help his own efforts to do something about the policy of this semiofficial journal.)

The President responded with equal frankness and with apparent great sincerity. He admitted the existence of the extremists, but minimized their numbers and influence. In general, his explanations followed the familiar pattern of his previous analyses of the political situation. Guatemala is now enjoying democracy for the first time. The people are just now learning to express themselves politically. The leftists of all shades have supported his Government. His policy is one of tolerance; let them enjoy their liberty as long as they do not endanger the very existence of the new liberties. Their identities are known; come a crisis they will be rounded up within twenty-four hours. As customary with him, he cited cases by way of illustration. Speaking of the *Diario de la Mañana* editor (Julio Estrada de la Hoz), he said he "knew" him, and told the story, already known to the Embassy and reported to the Department, of how a columnist (Andrés Townsend, Peruvian Aprista exile), who writes for that journal, had trouble with the editor because the latter refused to publish an anti-Soviet article. He described the *Diario de la Mañana* as "protected" by the Government.

⁵ Not printed.

Upon the international situation and Korea, the President was most categorical in assuring Mr. Miller that Guatemala's position is one of complete support of the United States. Communism, he said, is neither adaptable to Guatemala's agrarian population; nor would it be anything but stupid for Guatemala to take a pro-Soviet position; its destiny, he indicated, being of geographic necessity economically and politically tied to the United States and the Western Hemisphere.

COMMENT

Press treatment of the visit will be covered in separate reports. Reaction in diplomatic and non-official quarters has been unanimously favorable. Several members of the diplomatic corps, as well as a number of private Guatemalan citizens, have expressed to me their keen pleasure at the adroit and direct manner in which Mr. Miller focused press attention upon the Communist problem. Significantly, the usually hostile pro-Government press, has been editorially silent. The opposition press, as was to be expected, reacted most favorably.

It is believed the Korean situation added to the timeliness of Mr. Miller's visit. The international situation unquestionably will help toward crystallizing the local political situation in respect to the extremists. It can be seen that Guatemala, perhaps reluctantly, is being forced to take an open position in support of the United Nations (and the United States) much to the discomfiture of the pro-Communists.

The Embassy is confident Mr. Miller's visit, coinciding with international political developments which see the world rapidly aligning itself in one of two camps, will measurably strengthen the hands of the moderates and hasten the process of forcing the Communists into a separate group under their own banner.

MILTON K. WELLS

611.14/7-1450

Memorandum by the Director of the Office of Middle American Affairs (Mann) to the Deputy Assistant Secretary of State for Inter-American Affairs (Barber)

CONFIDENTIAL

[WASHINGTON,] July 14, 1950.

Subject: Evaluation of our policy toward Guatemala

It has now been three and a half months since the Guatemalan government informally requested the recall of Ambassador Patterson from Guatemala. The Department at that time categorically rejected the Guatemalan charges that Ambassador Patterson had intervened in Guatemala's internal affairs and stated that Ambassador Patterson had returned to the United States for reasons of health. In the mean-

time, the Department said, the Embassy would remain under the direction of a Chargé d'Affaires.

In a memorandum dated May 29, 1950, ARA outlined to Mr. Webb in some detail the state of our relations with Guatemala and set forth the policy which had been adopted to meet the situation there. In essence the objective of this policy was to reduce and destroy the influence of communists and extremists by bringing about their isolation from other political forces and by making moderate groups aware of the real harm being done to United States-Guatemalan relationships by present trends in that country.

MID has recently re-appraised our policy with respect to Guatemala and has concluded that thus far substantial progress has been made. The following specific developments have led to this conclusion:

1. On May 17 José Manuel Fortuny, leading communist in Guatemala, Manuel Pinto Usaga, communist labor leader, and nine others resigned from the farthest-left administration party, the Partido Accion Revolucionario. This group announced that it was resigning because of ideological differences with the party Directorate and that it would form a communist "Vanguardia" party. Reliable reports indicate that the disaffection resulted from the insistence of presidential candidate Col. Arbenz that the violently anti-US, pro-communist tone of campaign speeches be moderated.

2. Since that time pro-Arbenz campaign speeches have been moderate in tone and have avoided anti-US demagoguery.

3. At about the same time Victor Manuel Gutiérrez, communist leader of one of the two communist controlled labor federations, announced the formation of a new labor party which would be openly pro-marxist.

4. On June 21 there appeared the first issue of an openly communist newspaper called *Octubre*. The paper's name was printed in red ink and included the red star with hammer and sickle and the slogan "For a great Communist Party, vanguard of the workers, peasants and people". The director of the paper was José Manuel Fortuny.

5. Upon appearance of the paper, President Arévalo dismissed immediately from their positions of, respectively, Editor in Chief of the official government organ *Diario de Centro America* and Chief of Propaganda of the government radio station, Alfredo Guerra Borges and Mario Silva Jonana, both editors of the new paper *Octubre*. In protesting these dismissals, leaders of one of the leading labor federations further identified themselves with the communist movement.

6. One of the members of the new paper was a deputy in the National Assembly. The Assembly decided to take up the question of whether he should be removed.

7. Guatemalan position on Korean situation:

While equivocal at first,¹ Guatemala has since given evidence of

¹ In telegram 6 from Guatemala City, July 6, Mr. Wells had stated in part: "I interpret this lack publicity and failure Guatemalan Government to issue unequivocal statement on Korean situation as reluctance on part Arévalo (now confronted with critical domestic political situation) take responsibility and embarrassment of publicly adhering to opposition stand warmly supporting US in view fact extremists still supporting his government have taken consistent anti-US line on international issues." (795.00/6-2950)

support for the United Nations and the United States in the Korean situation. Ambassador Goubaud's press statement, copy of which is attached,² denounced communism and promised Guatemala's support for United States and United Nations measures. The Guatemalan Foreign Office announced later that it was in full agreement with Ambassador Goubaud's statement.³ President Arévalo assured Assistant Secretary Miller in Guatemala that his government was emphatically on the side of the United States in the international situation.⁴

8. The Guatemalan Foreign Minister announced on July 3 that the Guatemalan Government viewed with favor the Rio Treaty and that it was being sent to the National Assembly with the recommendation that it be ratified. In attacking this action, labor leaders and others have again further identified themselves with the communist movement.

9. On July 5 the Supreme Court in a 3-2 decision ousted Communist José Manuel Fortuny from his position as one of three judges of the National Electoral Board. This action was attacked by communists and other leftists and had the effect of focusing public attention on this group.

These developments have been encouraging and lead to the belief that the policy the Department has been following is the correct one and should be continued. It is realized that these developments have not in any sense disposed of the problem of communist influence in Guatemala. There are still influential communists or pro-communists close to the government and in the labor movement who must be exposed and isolated from the non-communists. Progress has been made, however, and there is good reason to believe that still further progress toward this objective will be made under the present policy.

T[OMAS] C. M[ANN]

² Ambassador Goubaud's statement of June 28 is not printed.

³ Documents in file 795.00 for July 1950 indicate that the Foreign Office on July 8 released Ambassador Goubaud's press statement of June 28 for distribution in Guatemala and issued the mentioned endorsement. The Embassy attributed these actions to representations it had made the previous day at the request of the Department.

⁴ In a memorandum of a conversation held August 14 between Ambassador Goubaud, Mr. Mann, and himself, Mr. Clark reported in part the Ambassador's statement that President Arévalo had authorized him to offer, in the form of a note to the Department, Guatemalan bases to the United States and personnel to the UN forces. Mr. Clark stated that Mr. Mann, after expressing deep appreciation of the offer, had in part stated a written offer was unnecessary at that time and that the whole problem of assistance from Latin American countries was still under serious consideration. (714.00/8-1450)

Editorial Note

On July 21, 1950, the Department presented to the Guatemalan Embassy a note in which it pointed out that in May and June of 1946 the two governments had by an exchange of notes agreed that the United States should furnish Guatemala armaments worth up to \$3

million in return for concessions (including bases) granted by Guatemala under the Lend-Lease Agreement of November 16, 1942. (Text of the Agreement and accompanying understandings is printed in *Foreign Relations*, 1942, volume VI, pages 443-451. For text of the American note of May 23, 1946, and a summary of the Guatemalan reply of June 7, see *ibid.*, 1946, volume XI, page 886.)

The note stated that the United States Government had furnished Guatemala \$3,001,786.13 worth of munitions and therefore considered all obligations of either Government to the other to have been liquidated and the Agreement of November 16, 1942, to be terminated. (714.56/7-1350)

Documents in file 714.56 for 1950 and 1951 indicate that the Guatemalan Government considered certain goods delivered under the exchange of notes to be defective, and that Guatemala did not acknowledge the note of July 21, 1950.

Editorial Note

On July 22, 1950, disorders occasioned by anti-Government demonstrations began in Guatemala and continued until the 26th, when the Government declared a state of siege and temporarily gave police powers to the Army.

In the course of the disorders, university students and the Chamber of Commerce, both largely in opposition, declared a general strike. Most businesses closed. The Government on July 25 ordered them to reopen and stated the licenses of noncomplying foreign businesses would be canceled. Later the Government instead imposed fines on those which did not open, and, in the Embassy's opinion, on some of those which did.

During the crisis the Embassy advised all United States citizens to do "everything possible and consistent personal safety comply law and abstain actions which might be interpreted as political." (Telegram 48 from Guatemala City, July 24, 714.00/7-2450)

Officers of the Embassy believed that "in view of the suspension of [constitutional] guarantees [on July 23], business houses were justified in failing to open to avoid threats of violence by student groups." (Memorandum by Ernest V. Siracusa, Assistant Officer in Charge of Central America and Panama Affairs, to Mr. Miller, July 31, 714.00/7-3150)

Mr. Miller expressed concern over the fines to Ambassador Goubaud on July 31. On instructions from the Department, Mr. Wells discussed the subject informally with the Foreign Office on August 7. He stressed the United States belief that Americans had not engaged

in politics and that those American concerns which had closed had done so only for reasons of safety.

On August 10 the Embassy learned that fines would be forgiven when constitutional guarantees were restored. The constitution went back into effect on September 6. (File 714.00 for July-September 1950)

814.2376/9-650

The Chargé in Guatemala (Wells) to the Department of State

CONFIDENTIAL

GUATEMALA [CITY], September 6, 1950.

No. 249

Ref: Department's (ARA:MID) Memorandum of Conversation on August 14 on "Ambassador Goubaud's Trip to Guatemala".¹

Subject: United Fruit Company Contract.

In the referenced memorandum of conversation, Ambassador Goubaud is recorded as saying the United Fruit Company has not at any time offered to negotiate a new contract with Guatemala, although the Company has renegotiated its contracts with Costa Rica and Honduras.

While the Ambassador's statement is literally correct, in as much as the Company has never made a formal offer, it conveys an erroneous impression. Company officials on several occasions have intimated that the Company would be very happy to give Guatemala the same type contract, *if* the Guatemalan Government would take the first necessary step by correcting the present discriminatory and hostile treatment of the Company in this country. Specifically, this refers to the discriminatory clauses of the Labor Code, and the unilateral and retroactive implications given Article no. 101 of the Constitution in respect to the revision of contracts. According to Mr. Taillon, Guatemalan Manager of the United Fruit Company, he mentioned this personally to Minister of Economy, Alfonso Bauer Paiz in early 1949, and had talks along these lines with Bauer Paiz' predecessor (Augusto Charnaud MacDonald). Also, Vice President Turnbull of the United Fruit Company discussed the matter with President Arévalo, leaving with the latter a draft copy of the Costa Rican contract as an example of what the Company is willing to do for Guatemala.

It is apparent the Company believes strongly that the first move is up to the Guatemalan Government to create a favorable atmosphere for renegotiation. Local politics, of course, virtually preclude any outward change in the Government's attitude until after the forthcoming elections, and the Embassy is inclined to the opinion the Company has nothing to gain by approaching either the Government or the

¹ Not printed.

several Presidential candidates on the subject at the present time. However, after the new administration takes office there is a possibility new overtures on the part of the Company may fall upon more receptive ears.

MILTON K. WELLS

611.14/9-950

*Memorandum by the Under Secretary of State (Webb) to the President*¹

CONFIDENTIAL

[WASHINGTON,] September 9, 1950.

Subject: Proposal for the Appointment of a Special Ambassador to Guatemala.

Ambassador Machado of Cuba has requested an appointment with you in order to deliver a letter from President Prío.²

President Prío's letter will suggest that a special representative be sent to Guatemala City on a mission to appraise the current Guatemalan political scene and to re-establish good relations between Guatemala and the United States. This suggestion is the result of a very secret and brief visit³ which President Prío recently made to Guatemala City where he conferred in his airplane with President Arévalo.

I recommend that you receive Ambassador Machado in order not to offend President Prío, who doubtless is acting in good faith.

The following background information may be helpful in deciding whether you wish to accept President Prío's suggestion:

Traditionally we have had good relations with Guatemala where the great majority of the people are anti-communist. President Arévalo himself is an extreme leftist rather than a communist. He has, however, collaborated openly with communist elements in Guatemala who, with the acquiescence if not the active support of the Government, have succeeded in gaining complete control of organized labor and in placing their partisans in Government positions. Because Guatemala is now in the midst of an election campaign and the Government needs the votes of labor, a relatively small group of communists exercise a disproportionate influence on Government policy. They have, for example, been able to use the Government press and radio for communist-type attacks on the United States; they have prevented ratification of the Rio Treaty; they have influenced the Government to support the so-called "Caribbean Legion" which

¹ This memorandum as sent to the President was accompanied by a brief covering memorandum (not printed) which summarized its content.

² Carlos Prío Socorras, President of Cuba.

³ In despatch No. 195 from Guatemala City, August 23, Mr. Wells had reported in part that President Prío had apparently arrived by plane in Guatemala at 10 a. m., August 12, and departed that same afternoon. (737.11/8-2350)

recently launched an abortive military attack on the Dominican Republic; they have caused the Government to adopt a hostile and nationalistic attitude towards American capital in the country; and they have influenced the Government to expel Ambassador Patterson on trumped-up charges that he was the agent of United States imperialism seeking to overthrow the Government.

Our policy has been to refrain from using sanctions in order not to give a common anti-United States cause to communist and non-communist elements alike. On the contrary, we have stressed that the local communists are a relatively small group which represents a real danger to Guatemala and we have urged the Government to live up to its responsibilities as a part of the free world. The recent public statements of high Guatemalan officials expressing opposition to communism, the expulsion of prominent communists from one of the Government political parties, and a contingent offer of military bases and manpower are examples of recent progress. It is hoped—though it is by no means certain—that effective anti-communist measures will be taken after the elections in November.

In view of these circumstances, if a special Ambassador were sent to Guatemala with instructions to insist that anti-communist measures be taken at once, we would probably be accused—particularly in view of the current election campaign there—of intervening in Guatemala's internal affairs. This might strengthen the position of extreme nationalists and communists.

On the other hand, the Guatemalan Government would welcome our sending a new Ambassador to make it appear that no serious problems exist between our two countries. In fact, the Guatemalans have already requested that this be done. However, if this were done before the Guatemalans have taken effective anti-communist action, we might be faced with the following:

1. By appearing to approve present Guatemalan policies, we would lessen our chances of obtaining effective action against the communists.

2. It might be misinterpreted as a repudiation of Ambassador Patterson, who is still our Ambassador to Guatemala. It has been our thought that a new Ambassador should not be sent to Guatemala until Ambassador Patterson has been assigned to another post.

3. It might be misunderstood in the United States as appeasement of communist elements in Guatemala.

It is accordingly recommended that in replying to President Prío's letter you express your appreciation for his friendly interest in United States-Guatemalan relations as well as your regret that it is not feasible at this time to appoint a special representative to the Guatemalan Government. If you wish, the Department will prepare a draft reply for your approval.

JAMES E. WEBB

714.00/9-2150

*Memorandum by Mr. William D. Hassett, Secretary to the President,
to the Secretary of State*

CONFIDENTIAL

WASHINGTON, September 21, 1950.

Attention: Honorable James E. Webb
Under Secretary of State

Herewith is a letter¹ from the President of Cuba dated August twenty-fifth—with translation—presented to the President yesterday by the Cuban Ambassador to the United States re proposal for the appointment of a special Ambassador to Guatemala. It will be appreciated if you will submit appropriate draft reply for the President's signature, in accordance with your undated memorandum² on the subject.

WILLIAM D. HASSETT

[Attachment—Translation]

HAVANA, August 25, 1950.

GREAT AND GOOD FRIEND: My desire to contribute to the extent of my ability to the great ideal of continental solidarity and democracy prompts me to write you this letter. No one in America is better qualified than you to represent and defend these high ideals.

I have been worried lately by the apparent disagreement, which at times has become strenuous, in the relations between the representatives of your Government and that of some of the Latin American countries; and it came to worry me deeply the reiterated accusation of some newspapermen and news agencies, who at times have tried to make those Governments appear as engaged in an alliance with the Communist parties and the agents of Stalin. I refer particularly to Guatemala, a country of my affection, with whose rulers I have a close personal friendship. Enough reason for it, is the fact that said Government represents—as I myself try to do it—the opposite pole of totalitarian dictatorships of antiprogress, of anti-democracy still afflicting America. This similarity in the fundamental lines of our ideology and our politics makes it easier for me to understand the real situation in Guatemala and the reasons for certain incidents.

My antiSovietic convictions are unalterable. My responsibility as Chief of the Cuban State increases those convictions, and if possible, they are even more increased by the danger of a war in which Cuba may have to play a predominant part in the family of American nations which are both antiCommunists and democratic. For this reason,

¹ No Spanish text of this letter has been found in Department of State files.

² No memorandum on this subject from Mr. Webb to the Office of the President has been found in Department of State files, other than that of September 9, *supra*.

although I surmised that there were misstatements in the press propaganda above referred to, I treated the problem in a personal way, which I did in a six hour interview with President Arévalo. Up to this moment, neither in Guatemala nor in Cuba, has this meeting been made public, and I prefer that it be maintained in the strictest secrecy. It is my democratic obligation and as a friend, to make you acquainted with the truth, as you will be the person most interested in knowing the conclusions which I derived from this meeting, because as President of the United States, the greatest responsibility in the action now being engaged in and that which will be engaged in the future by the democracies in order to survive in a world so seriously threatened falls largely upon you.

Once the object of our meeting was disclosed, I spoke very frankly and I was responded in like manner. Neither President Arévalo nor myself left anything unsaid. That is why I am in a position to explain to you what is happening in Guatemala. In my opinion, neither the President nor the Presidential candidate, Colonel Jacobo Arbenz sympathize with Communism, although none of the two is in a position to persecute the small Communist organizations of that country, because they do not want and are not able to increase the number now of enemies of the Government, which up to now has had to face over twenty dangerous conspiracies against the life of the President and against the stability of the present Government. The position of certain North American firms that have headed the movement of protest against the laws in benefit of the workers has made the situation worse in Guatemala and in a way, has strengthened the very few Communists there. And because Guatemala is a country where exploitation of the great majorities has reached great extremes, the Government has to defend those legislated benefits on behalf of the workers, among other reasons, because patriotism and an elementary sense of justice demand it, but also for political reasons, because its best defenders are the nucleus of workers favored by law.

Unfortunately there has been a lack of the necessary serenity and tact by some diplomats to pass judgment on this conflict, and they have come to seem as hostile elements to the national cause and dangerous to the Government. As I said before, certain press has seen fit to poke the fire, and from this, harmful and painful incidents have arisen.

Experience has demonstrated that in those places where popular aspirations are trampled without hope, where the progressive political forces are attacked and intimidated with passion, the leaders and the people seek to find support anywhere that it is possible to find it. And this support is very often offered by the communists, to whose tactics it is very convenient to appear as allies and saviours of the people against capitalists and imperialism, or against the national tyrannies suffered by them.

With these antecedents, and overlooking my personal conveniences, and beset by the desire to find a harmonic solution that might unite the security and the dignity of our friends with the urgency of a close solidarity among the democracies of the Continent, I went personally—in a quick, and of course secret, trip—to see by myself the situation in Guatemala and to obtain first hand impressions about the rumors that an understanding with Stalin existed there—supply of fuel to its submarines—and in short, a Soviet fifth column supported by the Government.

I have been able to verify, with great relief, that this is all pure fantasy, and still worse a selfish campaign, maintained by subsidized newspapermen. I have been able to verify that doctor Juan José Arévalo's greatest desire is to defend democracy and social justice which you yourself, President Truman, praise and defend so sincerely and have so proved.

Therefore I went personally to feel the Guatemalan reality and I believe it my duty to tell you that I consider that it is in your hands, by an able and clear-sighted intervention, to bring solutions entirely adequate and desirable to all. I consider it not only feasible but easy, to add solidly and sincerely the Government of Guatemala to the number of wills that are to be established in order to defend the Continent.

I think it would suffice if you sent a capable and open-minded observer, of your entire confidence, familiarized with the ideology and psychology of our problems and peoples, who might be in a position to give you thorough and true information, of what happens in Guatemala, so that you might then formally dispatch a diplomat with definite instructions from you on the objectives to be reached and the methods to be used in order to surmount the restlessness and suspicion prevailing in the country.

This letter ends the purpose of my trip to Guatemala. It is my most vivid desire that my trip may prove useful, my great and good friend. And may the Almighty God of our Nations enable me to aid you in some manner in the great and historical task that has befallen upon your shoulders as a world leader in this moment of distress.

I pray for your health and personal welfare, and remain your sincere friend,

CARLOS PRÍO SOCARRÁS

814.00-TA/10-1150

*The Secretary of State to the Embassy in Guatemala*RESTRICTED
No. 39

WASHINGTON, October 11, 1950.

The Secretary of State refers to the Department's circular telegram of September 8, 1950¹ and to its telegram No. 73 of September 8, 1950² regarding the Technical Assistance Program.

As the Embassy is aware, because of special conditions affecting Guatemalan-US relations at this time, it is the Department's policy in general to continue existing cooperative technical assistance programs in Guatemala at their present level but not to authorize expansion of their activities nor enter into new programs. Because of this special circumstance, the Embassy is not being authorized at this time, as are the other missions in Latin America, to initiate conversations with Guatemalan authorities on the subject of the development of an integrated technical assistance program. However, in order that the Embassy may be kept fully informed of developments in the Point IV Program and for possible future reference should present circumstances alter substantially to permit an expanded technical assistance program in Guatemala, there is enclosed a draft³ of an instruction, with enclosures, similar to those sent to other missions in Latin America. The draft has been tailored to correspond to the actual situation with respect to Guatemala.

It will be noted from the enclosed draft instruction that there has been set aside the sum of \$55,000 for the remainder of fiscal 1951 for possible use in Guatemala. Although the Embassy is not being authorized to discuss the use of this sum with officials of the Guatemalan Government, the allocation has been made to give a certain amount of flexibility to the Department's policy. The sum will be available as a reserve contingency for fiscal 1951 should the situation with respect to Guatemala change so as to permit a Point IV program and may also be drawn upon for emergency technical assistance projects which may arise from time to time and which the Embassy may consider to be particularly meritorious, i.e., the recent assignment of an expert, in connection with work being done by the Agricultural

¹ In a circular telegram sent 6 a. m. that day, the Department notified American diplomatic officers in the American Republics in part that approval of Point IV appropriations for fiscal 1951 enabled it to proceed with bilateral technical aid programs and that the matter could be discussed with interested governments. (820.00-TA/9-850)

For further information regarding technical assistance to the American Republics, see pp. 672 ff.

² In this telegram the Department referred to the telegram mentioned in the preceding footnote and instructed the Embassy not to initiate any discussion at that time with the Guatemalan Government. (814.00-TA/9-850)

³ Not printed.

Mission in Guatemala, to advise on emergency methods of drying corn.

With reference to the \$300,000 allocated for lower priority projects,⁴ obviously no plans can be made for expenditure of this sum, should it become available, until such time as the overall situation with respect to US relations with Guatemala changes and the Embassy is able to discuss the matter of an integrated technical assistance program with the Guatemalan Government. Should such a change take place and a favorable atmosphere for development of a Point IV Program be created, appropriate instructions will be issued at that time by the Department.

There are enclosed for the Embassy's information various memoranda and other documents concerned with the Point IV Program in Guatemala.

⁴ The draft instruction mentioned in the text stated in part that the Department had proposed lower priority projects totalling \$7 million per year for the American Republics and that the Embassy in Guatemala was requested to submit projects aggregating \$300,000 annually under this program, for which there was no assurance of funding in fiscal 1951.

714.00/10-1950

Memorandum by the Secretary of State to the President

CONFIDENTIAL

[WASHINGTON,] October 19, 1950.

Subject: Suggested Reply to Cuban President Prío's Letter Concerning Guatemala

Since the overthrow of the dictator Ubico in 1944 relatively small communist and extreme nationalist groups in Guatemala have exercised a disproportionate influence in Guatemalan Government policy, principally because of their success in gaining control in organized labor.

It has been the Department's policy to make it clear that while we support the legitimate aspirations of the Guatemalan people for democratic growth and economic development, and while we have no desire to intervene in their internal affairs, we nevertheless are concerned with the activities and influence of communists in Guatemala. Recently there have been encouraging developments (the ratification of the Rio Treaty, the expulsion of a few communists from one of the Government political parties and from Government positions). Whether the new President to be elected in November will be disposed to take more effective steps remains to be seen.

The attached draft of a reply to President Prío's letter was written against this background and in the belief that your letter will be shown to President Arévalo of Guatemala and will be carefully con-

sidered by him. It is believed that it will be acceptable to President Prío of Cuba.

It is suggested that your reply be sent to President Prío through Ambassador Machado.

DEAN ACHESON

[Enclosure]

DRAFT ¹

OCTOBER 20, 1950.

MY DEAR MR. PRESIDENT: I have read with great care and interest your letter, which was delivered to me personally by your Ambassador, His Excellency Dr. Luis Machado. As the sincere friend of the people of the United States and of Guatemala, and as a champion of the Inter-American principles of democracy and solidarity, your interest in the relations of the United States with the Government of Guatemala are particularly appreciated. I have been gratified by your frankness in communicating your views to me and will, as you have requested, hold this exchange of letters in confidence.

I understand, Mr. President, that the Government of Guatemala seeks to promote the growth of democratic principles and institutions, and to foster sound economic development so as to make possible a higher standard of living and a fuller life for all Guatemalans. The Government of the United States not only applauds these objectives but it has been pleased to cooperate toward their achievement. To this end, it has furnished very considerable technical and financial assistance in the construction of the Inter-American Highway and of the Roosevelt Hospital, and has been actively participating in agricultural research, experimentation and instruction, and in education, health, sanitation and other programs.

It is unfortunately true, as your letter suggests, that a small group of communist individuals, none of whom hold high Government positions, has succeeded in creating doubt and confusion abroad concerning the extent of their influence in Guatemala. By the familiar pattern of fomenting strife and distortion of fact they have sought to pervert the liberal aims of the Guatemalan Government in order to serve the ends of communist imperialism. You will agree, I am sure, that it would be incongruous not to recognize the danger which this small group represents not only to Guatemalan sovereignty but to the freedom of the entire Western Hemisphere, particularly at this time

¹ The draft reproduced here has slight handwritten stylistic variations and is stamped "A true copy of the signed original" in the margins. Another marginal note reads "orig signed letter to ARA for transmittal 10-23-50."

In a memorandum to Mr. Webb of October 23, Mr. Miller indicated in part that the draft was prepared with the probability in mind it would be shown to President Arévalo. (714.00/10-2050)

when blood and treasure are being spent by the United Nations to resist a brutal communist military aggression.

I share your confidence, however, in the democratic faith of the Guatemalan people, as well as your hope that Guatemala, understanding the threat of international communism, will, on its own initiative and in accordance with its own processes, take appropriate action to minimize this danger. I have been particularly encouraged in this hope by Guatemala's ratification of the Inter-American Treaty of Reciprocal Assistance and by recent public statements of the distinguished President and Foreign Minister of that republic.

I thank you for your suggestion that I send a special ambassador to Guatemala. As you know, the Guatemalan Government recently requested that my personal representative, the Honorable Richard C. Patterson, Jr. be recalled on the incorrect assertion that he had intervened in the internal affairs of that country. Since Guatemala is now in the midst of a national election campaign, I would not wish at this time to take any action which could be represented, however incorrectly, as intervention in the electoral processes of Guatemala or as an attempt to restrict the freedom which the Guatemalan people have to decide their own destiny. I am hopeful, however, that when the election campaign is concluded it will again be possible to return an ambassador to this country which shares with the United States traditional ties of friendship.

With best wishes for your continued good health, I remain

Your Friend,

HARRY TRUMAN

714.001/10-1950

The Chargé in Guatemala (Wells) to the Department of State

CONFIDENTIAL

GUATEMALA [CITY], October 19, 1950.

No. 430

Subject: Anti-Communism in Guatemalan Politics.

The Embassy in recent weeks has reported developments which would appear to indicate an anti-Communist re-orientation of the Arévalo administration, followed by an equally precipitous retreat. Leading events reported include: the overwhelming ratification of the Rio Treaty¹ over stubborn Communist opposition; anti-Communist statements by the Foreign Minister; closure of the Communist

¹ On September 22; for pertinent documentation, see the letter from Ernest V. Siracusa, Assistant Officer in Charge of Central America and Panama Affairs, to Mr. Wells, December 7, 1950, p. 925.

newspaper and workers' school by the Minister of Government;² the successful revolt against Manuel Pinto Usaga in the important railway labor union; and most recently, the virtual dismissal of the Minister of Government³ and the re-appearance of leading Communists as campaigners for the heir-apparent, Colonel Jacobo Arbenz.

The Embassy is of the opinion that two underlying factors demand the exercise of considerable reserve in evaluating the significance of these developments; namely, (1) they were undoubtedly set in motion under the concealed but more or less direct influence of Arévalo or Arbenz, or both; and (2) the prime objective of Arbenz at this time is to secure votes, an aim presumably concurred in by Arévalo considering Arbenz' status as *de facto* "official" candidate.

No one but the two principal leaders themselves is in a position to describe their real feelings on Communism in Guatemala. With judgment on this point therefore suspended for the time being, the meaning of the developments under discussion is assessed on the basis of the political realities facing Arbenz and Arévalo. Simply stated, the primary objective is to win the forthcoming elections for Arbenz and to assure continuance of the revolutionary regime. All other objectives are secondary. A main source of votes is found in organized labor, dominated by the Communists, and in the vast bureaucracy, filled by political parties which harbor many Communists in disguise.

It is not surprising, then, that efforts to purify Guatemala's international reputation had to stop short of the point of throwing away prospective votes. Whatever the convictions held by top leaders, the cold force of political necessity prevents a thoroughgoing purge of Communist influences until the regime is safely seated for another term.

Therefore, the Embassy considers that we must reserve judgment for the time being.

MILTON K. WELLS

² Lt. Col. Elfego Monzón, who had been appointed on July 25.

³ Sr. Monzón resigned October 13 after being censured by the Guatemalan Congress by a vote of 46 to 2 for the measures mentioned in the text. In a memorandum of October 17 to Mr. Miller, Mr. Mann commented in part: "While there were other issues involved with respect to this action, such as freedom of the press, there is no doubt that this development is a distinct set-back to the anti-communist trend which previously had been noted in Guatemala." (714.001/10-1750)

714.001/11-1550

The Chargé in Guatemala (Wells) to the Department of State

SECRET

GUATEMALA [CITY], November 15, 1950.

No. 508

Subject: Speculation Regarding Arbenz' Attitude and Future Policy Toward the Communists.

Now that Lieutenant Colonel Jacobo Arbenz has been elected¹ to succeed Arévalo to the Presidency on March 15, 1951, the big question on everyone's mind is "Will Arbenz divorce his administration from the strong Communist influences which have compromised the present Government?" The question is an important one to us due to the bearing of the Communist problem on our relations with Guatemala.

Observers, Guatemalan and foreign, are inclined to argue the question pro and con, but in general the feeling of optimism outweighs that of pessimism, and the majority share the belief that the coming Arbenz administration will veer somewhat toward the center and that the Communists will be quietly pushed aside even if not entirely eliminated from their present positions of influence. This does not imply that extremism will disappear. To the contrary, even should the Communists disappear from the Governmental scene, leftist nationalism will remain to carry forward the 1944 revolution, and, no doubt, will produce its quota of problems for United States-Guatemalan relations.

The Embassy presently is inclined somewhat to the optimistic side. At the same time, the consensus of staff opinion is that effective steps toward curbing the influence of the Communists cannot logically be expected between now and the time Arbenz is inaugurated on March 15, 1951. In the first place, best evidence is that the pre-eminence of the extremists within the Government is due in very large measure to President Arévalo's own complacency, tolerance and sympathy. More and more the Embassy finds it difficult to reconcile Arévalo's overt friendship with international Communists such as César Godoy,² Pablo Neruda, and others, with his protestations of devotion to purely democratic principles. All too many Communists owe their position, or their happy abode in Guatemala, to the personal patronage of Arévalo or members of his immediate official family. For example, when Pablo Neruda visited Guatemala only a few months ago, he was virtually a State guest. His hotel bill was paid personally by Hugo Salguero, pro-Communist private secretary to Arévalo, obviously out of the President's confidential funds. . . . [It is reported] that Arévalo is too compromised to do anything about the

¹ In the election held November 10-12, 1950, Colonel Arbenz received more than 60% of the votes cast. Gen. Miguel Ydígoras Fuentes was runner-up and Jorge García Granados was third.

² César Godoy Urrutia of Chile, an adviser of several Guatemalan labor leaders.

Communists, and, therefore, cannot be depended upon to take effective anti-Communist measures in the last weeks of his term of office unless the international situation should force his hand.

A very good example of Arévalo's handling of Communists is the recent appointment of Julio Estrada de la Hoz as Under Secretary of Communications (Embassy's Despatch no. 347 of September 29, 1950.³ Estrada de la Hoz is generally regarded as a covert Communist. Under his editorship, the semi-official *Diario de la Mañana* consistently reflected pro-Communist sentiments. The only pro-Soviet editorial in the Guatemalan press (apart from the Communist newspaper *Octubre*) following the invasion of the Republic of Korea appeared in *Diario de la Mañana*, presumably from the pen of Estrada de la Hoz. Assistant Secretary of State Miller took the occasion to mention this to President Arévalo on July 3. (Embassy's Despatch no. 8 of July 6, 1950.³) Later, the Foreign Minister told me he was very glad the Assistant Secretary had spoken to the President about the editorial, since it would strengthen his own hand in trying to do something about the pro-Communist slant of that newspaper. Nevertheless, a few weeks later President Arévalo appointed Estrada de la Hoz as Under Secretary of Communications, a position he now holds concurrently with the editorship of *Diario de la Mañana*.

Regardless of Arbenz' opinion on the subject, it is doubtful that he will become a "back-seat driver" as President-elect to the extent of forcing forthright action on Arévalo. It would not appear to be good politics for him to do so, although he may exert his influence quietly in the right direction. Such influence, for example, might take the form of supporting the nomination and election of non-Communist deputies in the Congressional elections of mid-December. Conceivably he could urge upon the Government the adoption of limited anti-Communist measures. Before last week's presidential election, several indirect hints came from Arbenz that he would, in fact, issue a public statement denouncing Communism following the elections (when he no longer needs their votes). Then there is persistent talk that the Army is very unhappy with the state of internal affairs in general and is going to back Arbenz in a determined anti-Communist policy.

The skeptics argue that Arbenz himself is also too compromised by and in debt to the extremists to make a clean break possible, not to mention doubt as to his real ideological sentiments. Also, some argue, the scandal of the Arana assassination, in which Arbenz, the Caribbean Legion, and the Communists are popularly believed to be associated, gives these latter elements a black-mailing grip on the President-elect which he will not be able to loosen. The Embassy places little importance on the last argument. Guatemalans in general have

³ Not printed.

shown a cynical attitude toward the Arana assassination as evidenced by their votes. Admittedly, however, a forthright anti-Communist stand would force Arbenz to disavow politically many of his closest friends and campaign supporters (such as Jose Manuel Fortuny, Victor Manuel Gutiérrez, and Manuel Pinto Usaga), to risk alienating the political affections of such covert pro-Communists as Roberto Alvarado Fuentes (Secretary General of *Partido Acción Revolucionaria* and Vice President of Congress), and to ignore much of the *Partido Acción Revolucionaria* platform upon which he was nominated (Embassy's Despatch no. 251 of February 23, 1950⁴). Party principles should not constitute a serious obstacle. Despite the many fine campaign speeches to the effect that his candidacy was one of *principles* in contrast to the traditional *personalismo*, the Embassy would characterize Arbenz as an Arbencista and a realist, rather than a devotee to ideological principles. It is not thought he would have any qualms about forgetting the so-called party platform if it should suit his purposes to do so. The many covert pro-Communist and pro-Communist suspects, such as Augusto Charnaud MacDonald, Hector Morgan and Roberto Alvarado Fuentes, who guide the destinies of *Partido Acción Revolucionaria* today, already have proven themselves realists by disguising whatever Communist leanings they may have, and they can be expected to go along with any ostensible anti-Communist program Arbenz thinks is required by political circumstances. As for the avowed Communists, such as Fortuny, Pinto Usaga, Gutiérrez, Guerra Borges,⁵ Pellecer⁶ and Ernesto Marroquin Wyss, who have been prominent on the Arbenz bandwagon, there are many inconspicuous Government jobs which could be used to take care of them quietly if practical politics made a clear break too difficult.

As for the Communists, currently they seem to be riding a crest of enthusiasm. The censure of Minister of Government Monzón for his anti-Communist measures was considered a victory, reversing a short-lived trend against them. The Communist school "Jacobo Sanchez" is again in full operation, the Communist newspaper *Octubre* has reappeared, and all reports are the extremists are now fairly confident of the future in view of the Arbenz landslide.

Conclusion

It is the Embassy's opinion that our attitude must continue to be one of "watchful-waiting", with little expectancy of decisive anti-Communist developments between now and next March 15, but with

⁴ Not printed.

⁵ Head of the Jacobo Sanchez labor school and editor of the newspaper *Octubre*.

⁶ Carlos Manuel Pellecer Durán, Secretary of the Confederación General de Trabajadores de Guatemala.

restrained optimism as to the long-range policies of the coming Arbenz regime.

MILTON K. WELLS

363/12-750

The Assistant Officer in Charge of Central America and Panama Affairs (Siracusa) to the Chargé in Guatemala (Wells)

CONFIDENTIAL

WASHINGTON, December 7, 1950.

OFFICIAL INFORMAL

DEAR MILTON: I thought it would be worth-while at this point to bring you up to date on the matter of the Guatemalan reservation to the Rio Treaty.¹ There have been a number of memoranda written on the subject, some of which originated in other offices and were not sent to you. Part of what I have to say may have already come to your attention but, if so, the repetition here for the sake of chronology is not inappropriate.

Several weeks ago, we handed to Ambassador Goubaud a copy of a draft of a memorandum² which we were going to submit to the Pan American Union asking for clarification of the Guatemalan position. Specifically, it asked that the United States be informed whether our understanding of the reservation is correct, i.e. "that the Government of Guatemala does not intend in any degree to limit its acceptance of any of the obligations contained in the Inter-American Treaty of Reciprocal Assistance. This Government has in mind, particularly, the obligations contained in Article 1 of the Treaty, in which the parties to the Treaty 'undertake in their international relations not to resort to the Treaty or the use of force in any manner inconsistent with the provisions of the Charter of the United Nations or of this Treaty'."

The draft further reaffirmed the United States position stated at the time of signature of the Final Act of the Inter-American Conference for the Maintenance of Peace and Security, namely, "... that the Treaty of Rio de Janeiro has no effect upon the sovereignty, national or international, status of any of the territories included in the region defined in Article 4 of the Treaty". Accordingly, in any action it may take with regard to the proposed Guatemalan reservation, the United States' memorandum stated that it would not desire in anywise to pass judgment upon the status of any such area.

¹ The Spanish text of a legislative decree of September 22, 1950, which ratified the Inter-American Treaty of Reciprocal Assistance, is enclosed with despatch 370 from Guatemala City, October 5, not printed. The reservation mentioned was to the effect that the Treaty did not constitute any hindrance to the exercise by Guatemala of rights over Belize (British Honduras, claimed by Guatemala) by methods and at a time of its own choosing. (710.5/10-550)

² Memorandum handed to Ambassador Goubaud October 17, not printed.

On November 20, Ambassador Goubaud called to present a formal initialed memorandum,³ which responded to the draft memorandum mentioned above. In essence, it stated that "the Government of Guatemala maintains that said reservation, completely clear and which is explained by itself alone, obeys the imperious necessity of protecting and duly safeguarding the national interests unjustly violated by an extra-continental power". It went on to state that the Government of Guatemala had no additional comment to make with respect to said reservation, nor in relation to the rest of the content of the Department's memorandum. It was probably an error to accept this memorandum, since no formal reply was required in view of the fact that no communication had been addressed to the Government of Guatemala. However, the position taken by Guatemala is very disturbing in that the probable failure of some governments to accept its reservation threatens to fragmentize solid adherence to the Rio Treaty and introduce complications arising from the legal effects of such reservation and Guatemala's intention with respect to it.

Insofar as I know, to this date only 4 countries have indicated to the Pan American Union their views with respect to the reservation; El Salvador and Honduras accepted it without question; Mexico merely stated that it would reserve its rights to Belize, should there be any change in the status of that territory; and Peru indicated a refusal coupled with a qualified acceptance only if the reservation did not mean the use of other than peaceful means with respect to Guatemalan pretensions in Belize.

A meeting was called in the Department⁴ to consider two alternative courses of action:

- (a) Rejection of the reservation.
- (b) Acceptance, conditioned by a unilaterally stated understanding that the reservation involves no derogation from Rio Treaty or United Nations Charter obligations.

It was generally agreed that neither of the above courses should be taken for the time being, and that further efforts should be made to work out a satisfactory solution. It was decided that Mr. Mann would discuss the matter with Goubaud, and impress upon him the seriousness with which we view Guatemala's attitude (this has been done and you will shortly receive a memorandum of that conversation).

³ Presented November 20 but dated November 16, not printed.

⁴ On November 27. Participants included Mr. Mann; Paul C. Daniels, U.S. Representative to the Council of the Organization of American States; William Sanders, Acting Deputy Assistant Secretary of State for United Nations Affairs; George N. Monsma, Officer in Charge of International Organization Affairs in the Office of Regional American Affairs; Edward A. Jamison, Officer in Charge of Special Political Problems in that Office; Marjorie M. Whiteman, Assistant to the Legal Adviser; and Mr. Siracusa. Mr. Jamison's memorandum of this conversation is not printed. (710.5/11-2750)

It was also decided that consideration should be given to withholding our reply for several months with the hope that changes in the domestic situation in Guatemala would make possible a change in her present intransigence, specifically, its unwillingness to undertake to state that the reservation does not imply any limitation of her obligation under the Rio Treaty and the United Nations Charter. It was pointed out that while no domestic change in Guatemala could be counted upon to alter Guatemalan views with respect to Belize, such a change might make it possible for Guatemala to give satisfactory clarification of the meaning of this reservation. It has also been established, lest our silence on the matter be construed by the PAU as acceptance, that we will be consulted and given an opportunity to state our position prior to the deposit of ratification.

In a recent conversation with Ambassador Goubaud, Ambassador Daniels has also taken up this subject and impressed upon him our serious preoccupation and our desire to find some means whereby Guatemalan ratification of the Rio Treaty could be unanimously accepted among the 21 American republics. Ambassador Daniels also made very clear the difficulty in "swallowing" the Guatemalan reservation because of its apparent inconsistency with the requirement of the Treaty not to resort to the use of force in the settlement of disputes.

As you can see, in addition to wanting to get unanimity with respect to the Treaty, we do not wish by wording of the Treaty to indicate, even tacitly, any position with respect to the legitimacy or lack of legitimacy of Guatemala's claim to Belize; nor do we wish to permit the possibility that by operation of the Treaty we might be called upon to support Guatemala militarily in a venture in Belize.

Discussions will continue on this end and, although you need not make a specific point of doing so, or indicate that you are acting under instructions, it might be well for you to take a similar line on that end, and try to induce an atmosphere which would permit an acceptable clarification of Guatemala's interpretation of the meaning of its reservation.⁵

Sincerely,

ERNEST V. SIRACUSA

⁵ In a letter to Mr. Siracusa of December 15, 1950, Mr. Wells reported in part that in a conversation the preceding day with Sr. José Luis Mendoza, Chief of the Belize Office of the Foreign Ministry, he had obtained no satisfaction or hint that clarification of the reservation would be forthcoming. (363/12-1550)

714.562/12-2950

*Memorandum of Conversation, by the Assistant Officer in Charge of
Central America and Panama Affairs (Siracusa)*

SECRET

[WASHINGTON,] December 29, 1950.

Subject: Arms for Guatemala

Participants: Colonel Oscar Morales López, Guatemalan Representative, Inter-American Defense Board
Colonel Mara, White House Staff
ARA—Mr. Mann
MID—Mr. Siracusa

The meeting was suggested by Colonel Mara who, apparently at the instance of General Vaughan,¹ wished the Department to discuss further with Colonel Morales López the matter of arms for Guatemala. Mr. Mann had previously informed Colonel Mara that he preferred to conduct any talks with Colonel Morales López in the presence of the Guatemalan Ambassador. At Colonel Mara's request,² however, he agreed to hear Morales López' views.

During the course of the conversation, Guatemala's request for aircraft³ was again discussed. Mr. Mann emphasized the fact that the desired aircraft are not available for sale and that, should they become available, the matter of Guatemala's eligibility to purchase them from official sources, within the terms of the MDAP, would have to be determined.⁴ Also, the general question of developments in Guatemala and the U.S. policy towards them was discussed. This has been the subject of numerous conversations and memoranda; it need not be repeated here.

The only new development was a suggestion by Morales López that a new Guatemalan Military Mission headed by the Sub-Minister of Defense should come to the U.S. to seek favorable action on the desired aircraft. Mr. Mann did not encourage this proposal. Since the aircraft are, in fact, not available there is nothing which such a Mission could accomplish at this time.

Morales López then brought up the subject of requests for other

¹ Maj. Gen. Harry H. Vaughan, Military Aide to the President.

² In the original, "request" is handwritten over the typed word "insistence."

³ The planes in question were F-51's.

⁴ Information on the requirements that were necessary to qualify the American Republics for arms aid under the Mutual Defense Assistance Program is scheduled for publication in volume I.

In a memorandum of a conversation held December 15, 1950, between himself, Ambassador Goubaud, Colonel Girón (Chief of the Guatemalan Air Force), and Mr. Mann, Mr. Siracusa reported in part: "[Mr. Mann] also indicated that, should [planes] become available, . . . the United States would have to consider the question of Guatemala's eligibility, . . . in accordance with the terms of the Mutual Defense Assistance Act and the fact that Guatemala's ratification of the Rio Treaty was not yet complete due to its reservation on the Belize question." (714.56/12-1550)

types of arms which allegedly had been turned down by the Department. Mr. Mann said we would be glad to review any such cases that he might wish to bring to his attention. He reiterated, however, that anything from official sources would fall under the same eligibility limitations regarding the MDAP as would aircraft.

The important points to be made about this meeting are the following:

(a) Colonel Morales López' action is a further indication of an attitude of impatience with the civilian authority of Guatemala which is developing in the Guatemalan Army, or at least in part of the Guatemalan Army.

(b) There seems to be some move within the Guatemalan Army (possibly with the blessing of Arbenz, even though it is difficult to see what he has to gain by rocking the boat at the present time) to circumvent the presently constituted civilian authority. A number of ill-concealed allusions were made by Morales López during the course of this extended conversation which seemed to indicate that he wanted to discuss with Mr. Mann and obtain from him an indication of Departmental sympathy with and support for some vague sort of action in Guatemala, presumably by the armed forces or some faction within them. At no time—and this is the essential matter of record of this memorandum—did Mr. Mann allow himself to be drawn into such discussion nor did he encourage, tacitly or by implication, any acknowledgment of or support for the overtures which Colonel Morales López apparently intended.

Colonel Morales López spoke rather scornfully of civilian authority in Guatemala and insisted that the Guatemalan Army needs arms in order to control the Communist threat. The Department has asked from U.S. sources for an authoritative report on whether or not there is any potential force in Guatemala which could seriously contest the Army if it should be united.) It may be observed that Morales López is not too clear on just who the Communists are. At one point in the conversation, although personalities were not discussed, he described Victor Manuel Gutiérrez as a friend of the U.S. and not a Communist. This, in spite of the fact that Gutiérrez—if any one in Guatemala—is an admitted Communist.

Comment:

The Department, in all its dealings with Guatemala, has been careful to avoid any action which might be construed as intervention into the internal affairs of that country. In the past year, the Department has followed a policy of patience in its dealings with Guatemala, recognizing the political exigencies of the elections year and the possibility that a new administration in Guatemala might provide the change needed to face up squarely to the Communist problem. Such a new administration will shortly be inaugurated and, although it is openly committed to continue present policies, there is at least some reason

to believe that it may take steps to end Guatemala's procrastination on the Communist question. If it does not, a re-consideration of Guatemalan policy in the light of world events will be in order. At this date, no Guatemalan who is genuinely interested can have any doubt of the U.S.'s attitude toward international Communism and its manifestations in that country. The next move and the concrete action remains to be taken by Guatemala, and the Department should, from now until the inauguration, avoid receiving or conversing with anyone on this subject unless they come through strictly correct and official channels.

Today, aside from the moral issues involved, there would appear to be nothing to gain from risking improper identification, even by implication, with any movements in Guatemala which seek United States favor by professing to be prepared to do something about the Communists there. Furthermore, the less contact the Department has now with supposed Army or Arbenz representatives, the less likelihood will there be that the Communists might become alarmed into provoking some action; and the less chance there will be that some ill-fated venture could conceivably be linked to the United States by reason of the fact that one or more of its participants had sometime talked with Departmental officers. The Department should therefore make every effort to avoid implication in any such ventures.

If the Arbenz administration fails to take a positive stand, public opinion in the United States and elsewhere in the Hemisphere would probably support a more direct approach to the problem, even though in less critical times it might be willing to see a revolution such as that in Guatemala run its course of radicalism over a more extended period of time. Unless the Department manages the situation in Guatemala skillfully and well (possibly with consultation of leading American republics), real damage can be done within the Inter-American System and to hemispheric solidarity. Even though Latin American states might feel a deep concern with developments in Guatemala, there would doubtless be many which would censure any United States act or policy which was or appeared to be interventionist.

Guatemalan Post Files : Lot 59 F 15, Container 15, File 500

Memorandum of Conversation, by the Chargé in Guatemala (Wells)

CONFIDENTIAL

[GUATEMALA CITY,] December 30, 1950.

Subject: Conversation with Minor Keilhauer ¹

Minor Keilhauer dropped in this morning at his request. He said he had been wanting to talk to me for several days. He "wonders" whether the attitude of the Embassy is antagonistic toward the future Arbenz regime. His concern arose, he said, from certain indications in banking circles in the United States that the doors are still closed to Guatemala. Does this indicate lack of confidence in Arbenz?

I replied that, as I had told him several months ago, the situation cannot be expected to change materially over night. Such antagonism as exists in the United States toward Guatemala is strictly of Guatemalan making and is something that has built up over a five-year period. Regardless of goodwill toward Arbenz and any optimism as regards the policy his Government will pursue, it is illogical to assume that banking and other circles in the United States will forget the past and act on optimism alone. It is entirely reasonable that bankers, including the Export-Import bank, should observe a period of watchful waiting. Only encouraging deeds, and not abstract assurances, can be expected to instill full confidence as to the future of foreign investments in Guatemala.

As for the Embassy, I assured him that we are entirely objective. It is also my impression that American businessmen in Guatemala share the general feeling of hopeful expectancy as to Arbenz' future policy, and will do everything within their power to cooperate with him. However, their cooperation depends upon the Guatemalan Government in the last analysis. In my personal opinion, the Arbenz administration will have to decide once and for all whether Guatemala will give fair treatment and encouragement to foreign capital or whether it will proceed along the road to nationalism. The constant emphasis which Guatemalan revolutionary spokesmen place on "economic independence" is utterly unrealistic, and could only have the end effect of retarding the very industrial development they profess to promote. Guatemala must have foreign capital for any important industrial development.

MILTON K. WELLS

¹ For mention of earlier contact with Mr. Keilhauer, see the enclosure to despatch 395 from Guatemala City, March 31, p. 870.

HAITI

RECOGNITION BY THE UNITED STATES OF THE MILITARY JUNTA GOVERNMENT OF HAITI¹

738.02/5-1750

*Memorandum by the Director of the Office of Middle American Affairs (Mann) to the Assistant Secretary of State for Inter-American Affairs (Miller)*²

CONFIDENTIAL

[WASHINGTON,] May 17, 1950.

Subject: Recognition of new Haitian Government

There is no evidence that the overthrow of the Estimé regime³ is attributable to outside influences; the Junta has already indicated that it intends to live up to Haiti's international obligations; and the Embassy has reported that the Junta is in control and that order prevails. Unless new facts come to light we will therefore doubtless recognize the Junta.

When it is time for us to proceed it is recommended that we consult with the other American republics regarding the factual situation; and that in the absence of significant information from them to change our estimate of the situation, we inform the other governments at least 72 hours in advance of our decision to recognize a new regime.

The timing of our initiative should be considered. We have not yet received Ambassador DeCourcy's recommendations and our understanding with him⁴ was that he would be given time to look the situation over on the ground and perhaps get some informal promises concerning a number of matters which are of interest to us, including the plans of the Junta with respect to holding elections.⁵ Also, by

¹ For documentation on questions at issue between Haiti and the Dominican Republic, see pp. 641 ff.

² Memorandum addressed also to Willard F. Barber, Deputy Assistant Secretary of State for Inter-American Affairs.

³ President Dumarsais Estimé had resigned May 10 on demand of a military junta.

⁴ Ambassador William E. DeCourcy, in the United States at the time of President Estimé's resignation, had returned to Port-au-Prince May 15.

⁵ In telegram 180 from Port-au-Prince, May 19, the Ambassador in part stated he had been told on the 17th by a representative of the junta that the Cabinet was actively considering an end to the state of siege and restoration of freedom of the press. Although new elections would be held, they would not take place for some months. Mr. DeCourcy concluded in part:

"My belief is that junta is firmly established, despite fact that some politicians and some former supporters Estimé do not like it, meets essential requirements

waiting a week or more before taking a definitive decision, it is possible that a number of states will have followed the Dominican example of recognizing the Junta so that it will be evident we did not take the lead. The happiest timing would be to make our move when about half of the American republics have continued relations.

As to publicity, it is recommended that we continue to say that we have the matter under consideration. When we do recognize we could simply announce that we have done so after consultation with the other American republics. We would not volunteer any opinions about the Junta, and if we are asked concerning our policy towards governments which come into power by force, we could refer to the Secretary's speech of last year which says, among other things, that recognition does not imply approval.

Is this recommended procedure satisfactory? ⁶

T[HOMAS] C. M[ANN]

for recognition, and probably will not relinquish power for at least one year. From practical standpoint this should benefit country. It will give time put finances in order and to stabilize situation so that elections can be held under calm conditions.

I do not recommend immediate recognition, but think consultation other American Republics should be undertaken promptly. Conversations with several diplomatic colleagues indicate their governments are awaiting information our attitude in view our predominant influence here." (738.00/5-1950)

In telegram 185 from Port-au-Prince, May 24, Ambassador DeCourcy said in part he felt the stability of the junta and the prevalence of order throughout the country warranted recognition immediately upon completion of whatever consultation with other American Republics the Department considered desirable. (738.00/5-2450)

⁶ "OK E[dward] G M[iller]" is handwritten in the margin beside this sentence.

738.02/5-3150

Memorandum by the Assistant Secretary of State for Inter-American Affairs (Miller) to the Secretary of State

CONFIDENTIAL

[WASHINGTON,] May 31, 1950.

Subject: Clearance by the White House on Haitian Recognition

Problem:

Should the United States have diplomatic relations with the new Military Junta in Haiti? It is understood that the President wishes to be consulted concerning the recognition of Latin American regimes which assume power by force.

Discussion:

In April, 1950, President Estimé of Haiti proposed a Constitutional amendment which would have allowed him to succeed himself when his term of office expired in 1952. The Haitian Senate voted against the proposed amendment and President Estimé then stimulated mass

demonstrations designed to put pressure on the Senate. The President also signed a decree attempting to dissolve the Senate, which was an unconstitutional act, but the Haitian military prevented the publication of the decree. Following a rapid deterioration of the situation, President Estimé was forced to resign on May 10, and a three-man Military Junta assumed control.

The Junta has restored order, is in control of the country with the apparent acquiescence of the people and has undertaken to respect its international obligations. It has appointed a predominantly civilian cabinet and has pledged itself to hold new elections and restore constitutional government, but has not yet specified the election date.

Venezuela, the Dominican Republic and probably Mexico have already recognized the Junta. An informal exchange of views with the remaining American Republics indicates no significant variation from our estimate of the situation, and it is probable that all, or nearly all of them, will soon recognize the new regime. Of the European nations France and Spain have already recognized and the United Kingdom has indicated that it wishes to follow our lead.

Recommendation:

It is recommended that you endeavor to obtain the President's concurrence with our plan to inform the other American Republics on June 1 of our intention to recognize the Military Junta on June 5.¹

¹ In his memorandum of his discussion of this subject during his conversation with President Truman held June 1, the Secretary stated: "I went over with the President Mr. Miller's memorandum of May 31 and the President has authorized us to recognize the Government of Haiti." (738.02/6-150)

738.02/6-150: Telegram

The Secretary of State to the Ambassador in Haiti

CONFIDENTIAL

WASHINGTON, June 1, 1950.

146. You are authorized on June 5 ack Junta note of May 15 (urdes 248 May 19)¹ stating US plsd resume relations Haiti. At same time Dept plans ack similar note² from Haiti Emb here and state you have been authorized communicate Haiti FonOff in above sense.

In your note indicate this Govt has noted statements in Haiti note the (1) Junta will honor all Haiti's internatl obligations, (2) authority Junta recognized throughout Haiti, and (3) Junta intends

¹ Neither printed.

² Not printed.

maintain democratic practices and call for new legislative elections soon as practicable.³

For your background info consensus replies Depcirtel May 24⁴ to OAR sent you by air generally favorable and our missions being authorized today inform FonOff by June 3 of our intention resume relations June 5.

ACHESON

³ In telegram 188 from Port-au-Prince, June 5, Ambassador DeCourcy stated that a note of recognition (not printed) drafted in this sense had been delivered at the Foreign Office that morning. (Telegram 188 is filed under 738.02/6-550.) In his announcement of recognition, Michael J. McDermott, Special Assistant to the Secretary for Press Relations, stated in part: "The United States is taking action today to continue diplomatic relations with Haiti. This action is in conformity with this Government's policy with respect to recognition, and [is taken?] after an exchange of views with the other American republics. Ambassador William E. DeCourcy is sending a note today to the Foreign Minister, telling him that we are continuing relations with Haiti." Complete text of the announcement, made at a press conference held June 5, is printed in Department of State, "Daily Press and Radio News Conferences," vol. v, 1950, under date.

⁴ Not printed.

MEXICO
POLITICAL AND ECONOMIC RELATIONS OF THE UNITED STATES
AND MEXICO¹

812.2553/1-2350

*Memorandum by the Assistant Secretary of State for Inter-American Affairs (Miller) to the Secretary of State*²

CONFIDENTIAL

[WASHINGTON,] January 16, 1950.

Subject: Mexican Oil Loan.

In accordance with your suggestion, the attached memorandum has been prepared setting out the reasons why it would be unwise to revise our position respecting the petroleum loan to Pemex³ at this time. I shall of course be glad to incorporate any suggestions which you may wish to make.

I do not wish to attach undue importance to the related matter which I recently discussed with you. Our relations with the Mexican Government are on a very satisfactory basis and I expect that they will continue to be so.

It is nevertheless true that a few Mexicans continue their attempts to carry on foreign affairs negotiations directly with individual members of Congress. In most cases these Mexican intermediaries have no official position, claim to have "influence" with high Mexican officials and probably intend to profit personally from the transactions they seek to promote.

Their usual method is to transport and entertain in Mexico at their expense individual Americans considered to be in a position to influence United States policy. Unfortunately, their guests seldom hear more than one side of the story and sometimes become well-intentioned but naive and vocal advocates of the Mexican point of view.

To the extent that the Mexican intermediaries succeed in setting off one United States agency against another, the bargaining power of the Department, and its ability effectively to serve United States interests, are impaired. The effect of last year's intervention in the

¹ Continued from *Foreign Relations*, 1949, vol. II, pp. 671-700.

² A marginal note, apparently referring to both this memorandum and its attachment, reads: "Carried to White House by S[ecretary] 1-23." In a memorandum dated January 23, Lucius D. Battle, Special Assistant to Secretary Acheson, said in part that the latter had not commented on the substance of his meeting with the President that day. (812.2553/1-2350)

³ Petróleos Mexicanos S.A., a government-owned oil corporation.

Pemex negotiations is a doleful example of the harm that can be done.

I do not know of any effective way to put an end to this practice. You may however wish to consider whether any good purpose would be served by informing the President.

EDWARD G. MILLER, JR.

Harry S. Truman Library, Papers of Charles S. Murphy ¹

Memorandum by the Secretary of State to the President

CONFIDENTIAL

WASHINGTON, January 23, 1950.

Subject: Mexican Oil Loan ²

On December 19, 1944, President Roosevelt affirmed ³ that there should be no United States Government loans for the commercial development of the Mexican petroleum industry. On October 13, 1945, you reaffirmed ⁴ this policy.

In the beginning of 1949 the Mexican Government informally indicated its desire for a large loan to finance Mexican Government oil operations. This informal request was carefully considered not only from the standpoint of finding some way to help the Mexicans develop their oil industry but with a view to the broader question of obtaining acceptance of the philosophy so essential to the success of the Point Four Program.

The Department's *aide-mémoire* of July 6, 1949 ⁵ was the product of comprehensive discussions of this problem with the Export-Import Bank and other Government agencies. It proposed that the United States make a loan to Pemex for distribution and refining facilities when Mexico agreed to take steps to insure an increase in oil production through increased participation by private companies in exploration, development and oil production.

¹ Mr. Murphy was an Administrative Assistant to the President.

² Excepting the date, the text of this memorandum is identical to that of the attachment mentioned in the document *supra*.

A handwritten note on the top of the first page reads:

"Murphy:

This needs very careful consideration. Standard of New Jersey and the Texas and also the Gulf have a finger in what has happened. I want a loan granted to Mexico for refinery and pipeline development. I want private arrangements made with our wildcat drillers for the proper extension of drilling. Something is slowing the program. Get me all the facts. Watch the successors of Teapot Dome and see if we can't help Mexico and the Mexican People. H[arry] S. T[ruma]n]"

³ See the memorandum by George S. Messersmith, Ambassador to Mexico, of a conversation held with President Roosevelt on that day, *Foreign Relations*, 1944, vol. vii, p. 1356.

⁴ See footnote 70 to the instruction to Ambassador Messersmith dated November 8, 1945, *ibid.*, 1945, vol. ix, p. 1161.

⁵ Text is printed *ibid.*, 1949, vol. ii, p. 675.

When the Mexican Government rejected the formula set out in the *aide-mémoire*, the Department proposed to the Export-Import Bank that additional concessions be made to the Mexicans in the hope of ultimately obtaining a more favorable climate for the private exploration and development of Mexican oil reserves. The Bank opposed any recession from the policy set out in the *aide-mémoire*.

Since then it has become increasingly evident that the position taken in the *aide-mémoire* is the correct one.

The Mexican Government hopes to obtain a large, unconditional petroleum loan, perhaps by direct negotiation with individual members of Congress. However, United States Government financing of exploration, development and production operations by the Mexican Government probably would be interpreted in other Latin American countries as United States approval in principle of state operation of the oil industry; this in turn would strengthen extremist elements in Latin America which advocate the application of nationalization and other restrictive measures to foreign industries. (Mexican officials in Washington have asserted that such a loan would "consecrate" the principle of expropriation and the Mexican Ambassador in Caracas recently urged Venezuelan officials to nationalize the one billion dollar Venezuelan oil industry.) It is therefore probable that such a loan would weaken the position of American investments abroad, hinder the accomplishment of the Point Four Program, invite similar oil loan applications from other Latin American Governments and impede oil development in Latin America.

Such a loan might also lead Mexico to conclude there is no need to make the changes in Mexican oil policy which are necessary to an early realization of Mexican hopes of substantially increasing its oil production and to Mexico's ability to compete with rising production in Canada, Venezuela and the Near East. Pemex, a Government monopoly plagued with domestic political pressures, cannot be expected to conduct oil operations at this time on the scale needed by the Mexican economy.

Furthermore, we now have evidence that the Mexican Government has already financed its most urgent oil projects; the dollar position of the Mexican Government has improved as a result of the peso stabilization and other loans; and exploratory activities being carried out by private companies have initially met with encouraging results.

The Department therefore suggests that the United States Government take no further initiative at this time in negotiating a petroleum loan with Mexico. It is hoped, however, that the Mexicans will take action which will make it possible for us to resume negotiations at some later time. Meanwhile the Department will continue to encourage

the negotiation of contracts between the Mexican Government and private operators.

The Department continues, however, to be aware of Mexico's need for financial and technical assistance. In addition to the approximately 200 million dollar credit and the large amount of technical assistance already given to Mexico by this Government, the Department will continue to support meritorious Mexican loan applications. The Mexicans have already indicated their intention of applying for large additional loans in other fields.⁶

DEAN ACHESON

⁶ In his memorandum of a conversation held in Washington February 14 with President Truman, Walter J. Donnelly, Ambassador of the United States to Venezuela, stated in part:

"The President touched on the proposed loan to the Pemex and said that he was definitely in favor of granting the loan. I asked him the purpose of the loan, and he said it would not be for production but for the construction of refineries and transportation of petroleum. He said that private capital was available for the production of petroleum." (831.2553/2-1450)

In a memorandum of a conversation held February 24 between himself, Thomas Mann (Director of the Office of Middle American Affairs), Charles S. Murphy, and George M. Elsey (both Administrative Assistants to President Truman), Robert H. S. Eakens, Chief of the Petroleum Policy Staff, said in part it was a conclusion of the participants that the President desired to see an oil loan made to Mexico for refining and distribution facilities but at the same time wished to see Mexico opened up for wildcatting. Mr. Murphy was described as generally approving, under the circumstances, the line taken by the Department but as being interested in trying to find some way to make its position more acceptable to the Mexicans. (812.2553/2-2450)

411.1231/1-1950

*Memorandum by the Officer in Charge of Mexican Affairs (Rubottom)
to the Director of the Office of International Trade Policy (Brown)*

SECRET

[WASHINGTON,] January 19, 1950.

Subject: Termination of the Trade Agreement ¹ with Mexico

There is attached a Position Paper ² on the foregoing subject, which recommends:

a. Joint termination of the existing trade agreement with Mexico, without concluding a most-favored-nation *modus vivendi*, as proposed by Mexico; ³ or

¹ The Reciprocal Trade Agreement signed at Washington, December 23, 1942. For text, see Department of State Executive Agreement Series (EAS) No. 311, or 57 Stat. (pt. 2) 833.

² The position paper was drafted by Elizabeth M. McGrory, who was assigned to Mexican Affairs. A marginal note signed by her reads: "6/29/50 Note: Altho not initialed, this paper was approved in draft by all interested offices in the Dept, including E (not by Mr. Thorp personally), & was the basis of action subsequently taken—i.e., joint termination, announced June 23, effective Dec. 31, 1950." Willard Thorp was Assistant Secretary of State for Economic Affairs.

³ Mexican draft proposals of December 23, 1949, not printed.

b. Unilateral termination by the United States in the event that there is no agreement on the foregoing basis, or that Mexico makes no practicable and definitive substitute offer promptly.

If you concur in these recommendations, MID will prepare, for clearance in the Department, an instruction to the American Embassy at Mexico City, based upon the attached Position Paper.

[Attachment]

Position Paper

TERMINATION OF THE TRADE AGREEMENT WITH MEXICO

THE PROBLEM

Should the United States Government, in conjunction with the joint termination of the existing trade agreement between the two countries, accept the proposal of the Mexican Government for the substitution therefor of a *modus vivendi* providing for unconditional and unlimited most-favored-nation treatment in customs matters?

[Here follow a repetition of the recommendations made in the covering memorandum, a résumé of bilateral negotiations on the subject, and a discussion of possible methods and effective dates for joint termination. For previous documentation, see the annotated memorandum of October 8, 1949, from Under Secretary of State James E. Webb to President Truman, *Foreign Relations*, 1949, volume II, pages 690 ff.]

B. *Modus vivendi*.

The recommendation that this Government not accept the Mexican proposal that a *modus vivendi* be substituted for the trade agreement upon termination of the latter has been made for the following reasons:

1. The present policy of this Government does not favor the conclusion of simple most-favored-nation accords at this time. It is directed toward the conclusion of broader agreements for that purpose, such as the General Agreement on Tariffs and Trade,⁴ or treaties of friendship, commerce and economic development.

2. The United States declined, in October, 1949, to conclude a similar agreement with Colombia.⁵

3. As a contracting party to the General Agreement on Tariffs and Trade, the United States is committed (Article XXIX) to "undertake to observe to the fullest extent [of its] executive authority the

⁴ Concluded at Geneva October 30, 1947; for text, see Department of State Treaties and Other International Acts Series (TIAS) No. 1700, or 61 Stat. (pts. 5 and 6).

⁵ For documentation pertinent to termination of the United States-Colombia Trade Agreement of September 13, 1935 (49 Stat. (pt. 2) 3875), see *Foreign Relations*, 1949, vol. II, pp. 603 ff.

general principles of . . . the Havana Charter . . .”⁶ The Charter contemplates as a basic principle that contracting parties to the General Agreement may cease to apply concessions granted in that Agreement to the trade of countries which have failed to become contracting parties. Therefore, unless there are compelling reasons to the contrary, it is believed that no action should be taken by the United States at this time which would in the future limit its freedom of action under the Charter.

4. There appear to be no compelling economic reasons of advantage to United States trade counselling acceptance of the proposed *modus vivendi*, which would make of Mexico an exception to the policies of this Government referred to in paragraphs 1 and 3 above.

(a) Mexico has a single-column tariff. Therefore, the most-favored-nation commitment on customs matters offered by Mexico would represent no greater advantage to the United States than Mexico accords all other countries. On the other hand, the United States would be committed, during the life of the *modus vivendi*, to give Mexico, without compensation, the advantage of the reduced rates of duty which have been accorded other countries as the result of tariff negotiations and reciprocal concessions.

(b) By the terms of the proposed *modus vivendi*, the United States would obtain from Mexico only an assurance against discriminatory treatment with respect to tariff rates and formalities; there would be no safeguard against discriminatory treatment of other aspects of trade. The United States would, of course, be similarly committed in the *modus vivendi* only to accord Mexico most-favored-nation treatment with respect to customs matters. However, it is the policy of the United States to consider that other aspects of trade, such as internal taxation or import and export restrictions, fall within the scope of its most-favored-nation commitments. Mexico would, therefore, obtain all the advantages implicit in United States policy, without a reciprocal commitment on its part.

(c) It is believed that the proposed *modus vivendi* would in effect be more binding upon the United States than upon Mexico. The Government of Mexico has not hesitated, in the past, to take action contrary to an international commercial commitment when it has regarded such action as necessary to its economy. The United States should not overlook the possibility that Mexico might, despite a commitment in the proposed *modus vivendi*, impose restrictions on United States trade from time to time, relying upon the terms of the agreement to prevent retaliation by the United States, and upon the probable reluctance of the United States to denounce the *modus vivendi* for what might individually be minor violations.

⁶ Article XXIX, Section 1 is misquoted here. It is a “Draft Charter,” not “the Havana Charter,” which is mentioned in it.

The Havana Charter was signed March 24, 1948. It was not ratified by the United States, nor did it go into effect among other powers. Text is printed in Department of State, *Havana Charter for an International Trade Organization and Final Act and Related Documents* (Washington: Government Printing Office, 1948).

Brackets and omissions in this quotation appear in the source text.

5. From the point of view of general United States-Mexican relations, it is believed that a refusal now to accede to the Mexican proposal for a *modus vivendi* would have less unfavorable results than would later action to denounce the *modus vivendi*, should such action become necessary either in the circumstances referred to in paragraph (c) above, or by reason of United States obligations under the Havana Charter, mentioned in paragraph 3.

6. In addition to the considerations of United States policy referred to in numbered paragraphs 1 through 5, above, it may be pointed out that a *modus vivendi* is not necessary to assure to Mexico, for the time being, the continuation of most-favored-nation treatment by the United States. It is the present policy of the United States to generalize tariff treatment to all countries unless they are found to discriminate against its trade. Therefore, until such time as current United States policy changes, and assuming continued non-discriminatory treatment of United States trade, Mexico will enjoy most-favored-nation treatment even though no document providing therefor may exist.

C. *Unilateral termination of trade agreement.*

The President, in approving the procedure recommended by the interdepartmental Trade Agreements Committee for the termination of the trade agreement with Mexico, has authorized unilateral denunciation as a final United States position in the event no other available means of settling the apparent impasse in the negotiations can be found. It is believed that the United States, in proposing joint termination and inviting substitute proposals by Mexico, has done all possible to avoid the necessity of terminating the agreement unilaterally. Even now, any appropriate Mexican offer would be carefully considered. If none is forthcoming, however, and if joint termination is not acceptable to Mexico, it is believed that the United States has no alternative but to take unilateral action to denounce the agreement in accordance with its terms.

411.1231/2-2350

Memorandum by the Director of the Office of Middle American Affairs (Mann) to the Deputy Assistant Secretary of State for Inter-American Affairs (Barber)

[WASHINGTON,] February 23, 1950.

Subject: Re your inquiry of Dick Rubottom¹ concerning the Mexican trade agreement.

The full story is as follows (Dick was not present during all the discussions) :

As you know, if the Mexican trade agreement is terminated and there is no *modus vivendi*, it will affect Venezuela to the extent that

¹ Roy R. Rubottom, Jr., Officer in Charge of Mexican Affairs.

approximately half of Venezuelan oil imports will come into the United States at a duty of 21¢ a barrel instead of 10½¢ a barrel.²

Before taking action on the recommendations from E that the agreement be terminated and that we not agree to the Mexican proposal for a *modus vivendi*, I set up a meeting at which Mr. Mills,³ Carl Corse⁴ and other interested persons were present. In this meeting I inquired, among other things, whether there would be any objection from NWC to the termination of the agreement in view of the effect on Venezuela, particularly since there was some uncertainty as to whether this Congress would impose higher tariffs or quota restrictions on the importation of Venezuelan oil. Mr. Mills took the position that NWC would not object if we terminated the Mexican agreement, and on that basis I agreed with Corse to go ahead.

When I informed Mr. Miller at the next 9:30 staff meeting that this decision had been taken, he asked that no action be taken toward terminating the agreement until Mr. Donnelly's⁵ arrival when the matter would be discussed with him. Mr. Donnelly was expected in Washington in one week and it was agreed that a final decision would be postponed for that length of time.

After Mr. Donnelly's arrival I explained to him the background as set out in the preceding paragraphs of this memorandum and stated that it was MID's intention to proceed forthwith with the termination of the agreement, adding that the people in E felt strongly that the agreement should be terminated promptly since we had failed over a two-year period to get Mexico to live up to its part of the agreement and since Mexican violations gave Mexican traders an undue advantage over American traders. I also said that the Trade Commission⁶ was in favor of termination and that I anticipated MID's position would become difficult if there were an indefinite delay.

Mr. Donnelly stated that he was opposed to termination at this time and would take the matter up with Mr. Mills and with Mr. Miller. He said that the psychological effect in Venezuela of notice of termination at this time—even though the termination would not be effective until June 1—would be serious and that he would find it difficult to explain to the Venezuelan Government that the United States Government was genuinely concerned about the pending legislation in Congress if, at the same time, our Government moved to terminate the Mexican agreement which would automatically burden the Venezuelan oil industry.

Shortly thereafter at an ARA 9:30 staff meeting—or possibly in conversations following such a meeting—Ambassador Donnelly

² For explanation of the effect on Venezuela of termination of the Mexican Trade Agreement, see the Policy Statement for Venezuela, June 30, 1950, p. 1024.

³ Sheldon T. Mills, Director of the Office of North and West Coast Affairs.

⁴ Chief of the Commercial Policy Staff.

⁵ Walter J. Donnelly, Ambassador to Venezuela.

⁶ Reference is apparently to the Trade Agreements Committee.

brought the subject up again and Mr. Miller agreed with him that we should not take any action until the situation in Congress was clearer.

Subsequently I told Mr. Donnelly that I hoped this did not mean an indefinite delay and asked him what time period he had in mind. He said that he would prefer that no action be taken until after the adjournment of this session of Congress. I said that I was not sure we could wait that long and that I was hopeful that Congress would take action one way or another on the Venezuelan oil bills so that we would be able to proceed before the adjournment of this session of Congress.

Carl Corse has been informed, and while he regrets that this decision has been taken he has not as yet pressed his belief that there should be a prompt termination of the Mexican agreement. We do know, however, that he has been somewhat embarrassed in defending this decision before the other agencies represented on the Trade Agreements Committee.

Here the matter stands at this moment. I am hopeful that there will be some developments in Congress which will make it possible for us to go ahead at an early date. I believe it is conceded by everyone that the trade agreement must be terminated, and the only question is as regards the timing.

The Embassy has of course been informed and it has made no objections thus far.⁷

THOMAS C. MANN

⁷ On April 6 Mr. Mann and other officials informed Sr. Antonio Martinez Baez, Minister of National Economy, of the U.S. rejection of the *modus vivendi* proposal. They also pointed out that even after termination of the trade agreement, Mexico would continue to enjoy most-favored-nation treatment in accordance with general U.S. commercial policy. Sr. Martinez Baez was told the United States was not pressing for immediate termination because of possible repercussions in Venezuela. (Memorandum of conversation by Elizabeth McGrory, 411.1231/4-650)

911.5212/3-1050

The Ambassador in Mexico (Thurston) to the Department of State

CONFIDENTIAL

MEXICO D.F., March 10, 1950.

Subject: Current Civil Aviation Negotiations With Mexico

In view of the Aerovías Guest¹ hearing before the Civil Aeronautics Board, on February 20th, and the Department's Memorandum of Conversation of February 8,² the Embassy feels that a review and analysis of the history of our air transport negotiations with Mexico might be helpful at the present time.

The first negotiation was held in Washington in October, 1945, and was the only one which, in the broad sense of the word, could be

¹ Aerovías Guest was a Mexican airline which had applied for the right to stop for passengers at Miami on its route from Mexico City to Madrid.

² By Charles P. Nolan of the Bureau of Inter-American Affairs, not printed.

termed a negotiation. Mexico's position was made clear at that time, and has been re-stated in every subsequent negotiation, namely that it desires protection for its air carriers as being unable to compete freely with the much stronger, efficient, and government-aided American carriers. Hence, Mexico's unwillingness to approve parallel operations, e.g. Los Angeles-Mexico. Briefly, the Mexicans finally agreed to grant all of our routes, viz., New Orleans and Los Angeles-Mexico City, but objected to the one for Western Airlines, and the negotiations broke down over this point.

The negotiations which were held in 1946, 1947 and 1948³ were, on our side, all based on the Latin American Decision of 1946⁴ and the basic reason, from the Mexican point of view, why they were all unsuccessful was because that Decision offended Mexican pride, and because our position seemed to them so rigid that it did not permit of a compromise solution regarding our route requests. In addition, Mexican officials have let it be known on more than one occasion, and over a long period of time, that they feel that we have failed to appreciate and understand Mexico's desire to be treated on a basis of equality in civil aviation matters.⁵

For the first time since 1945 Mexico has now unofficially offered a tentative compromise solution. They have proposed to Eastern Airlines, and as noted in Embassy telegram no. 1373 of November 25, 1949,⁶ Martin Perez repeated this proposal orally to the Embassy, that Eastern form a Mexican subsidiary and that the Mexican Government would then be willing to grant this Mexican flag carrier the concession to operate the Mexican portion of the Mexico City-New Orleans route. While no Mexican official has ever said so in so many words, their idea, in addition to the one of national pride in seeing their flag flown into the United States, is that Eastern should be willing to invest some capital in the country just as Pan American, American and United have all done. Although such a proposal might not be wholly accept-

³ For documentation, see *Foreign Relations*, 1946, vol. xi, pp. 992 ff., *ibid.*, 1947, vol. viii, pp. 751 ff., and *ibid.*, 1948, vol. ix, pp. 637 ff.

⁴ Text of the decision of May 17, "Additional Service to Latin America," is printed in *Civil Aeronautics Board Reports*, vol. 6 (Washington: Government Printing Office, 1946), pp. 857-946.

⁵ In a memorandum of a conversation held February 9, 1950, between himself, Mr. Mann, and Ambassador Rafael de la Colina of Mexico, Mr. Rubottom stated in part:

"Mr. Mann reiterated that there is a basic difference between the United States and Mexican approach to civilian aviation. Under the United States theory of competitive airlines, as contrasted with Mexico's idea of monopoly or division of traffic we feel that Mexico actually enjoys rights to fly all of the routes now being flown into Mexico by United States lines *plus* her monopoly run into Los Angeles. He explained that, to the best of his knowledge, this was the only run of that kind permitted by the United States. He pointed out that, should the United States vary in its application to Mexico of the competitive airline principle it might as well discard all of the twenty or twenty-one bilateral aviation agreements which it has signed with other countries." (911.5212/2-950)

⁶ Not printed.

able to us, it would seem to approach that point since the Chairman of the Civil Aeronautics Board, as noted in the Department's Memo of Conversation of December 19,⁷ said it "should only be done if everything else fails in getting Eastern into Mexico". The Mexican proposal to Eastern, as outlined also in that Memorandum, was probably made to Captain Rickenbacker when he was in Mexico last August, and is known to have been repeated to Mr. Gambrell on November 21 when he called briefly on Martin Perez. This would seem to indicate a willingness on Mexico's part to resolve the Eastern problem even before Mr. Miller outlined our position to the Mexican Ambassador on November 24.⁸

When the present negotiations began Martin Perez, the Director of Civil Aviation, told the Embassy frankly that in Mexico's opinion the Guest and Eastern problems were unrelated; that Mexico intended to insist on civil air reciprocity; that Mexico, in the event we refused the Guest application, would be forced to take retaliatory measures and cancel some of Pan American's operations—the concessions for 3 of which are terminable at any time. In a recent conversation with García López, Minister of Communications, on another matter, he gratuitously pointed out that in his opinion the Guest and Eastern problems were unrelated—from which it can be deduced that in the intervening 3 months the Mexican officials have not changed their minds and that the views that they have expressed are undoubtedly those also of President Alemán.

[Here follows the Embassy's outlined negotiating strategy which was not implemented by the Department.]

For the Ambassador:

GEORGE S. ROPER

First Secretary of Embassy

⁷ Not printed.

⁸ The U.S. position at that time is summarized briefly in the memorandum of August 2, 1950, to President Truman by Under Secretary of State James E. Webb, p. 957.

Editorial Note

On April 23, 1950, Mexico seized five United States fishing boats which she claimed were violating her 9-mile territorial limit. Owners of the vessels paid under protest an administratively levied fine of 5,000 pesos per boat, after which their property was released.

The United States protested the action by means of a formal note delivered by Ambassador Thurston to Acting Foreign Minister Manuel Tello on May 4. The note in part reiterated United States recognition of a 3-mile, rather than a 9-mile, limit. (Enclosure to memorandum from Mr. Mann to Mr. Miller, May 4, 611.12/5-450)

Documents in file 611.126 for 1950 indicate that Departmental officers considered a variety of further responses to the incident. However, both the Bureau of Inter-American Affairs and the Office of the Legal Adviser discouraged any action that would bring a case before an international tribunal on the ground that, the 3-mile limit not being universal, the United States might lose. Reluctance to proceed was perhaps also related to both the claim of the United States to natural resources of the continental shelf and its designation of certain contiguous areas of the high seas as fishery conservation zones.

Additional legal uncertainties were: whether the United States had previously recognized the Mexican 9-mile limit in certain Gulf areas by its own past actions, whether the vessels in question could be proven to have been outside the 9-mile limit, and whether to take this last consideration into account (i.e., whether to initiate a broad or a narrow action).

Departmental officers also considered the additional alternatives of bilateral or multilateral negotiations to resolve fishery and/or territorial issues, but no action was taken along these lines during 1950.

The file mentioned contains further information.

411.006/5-550

Memorandum by the Acting Deputy Director of the Office of North and West Coast Affairs (Krieg) to the Assistant Secretary of State for Inter-American Affairs (Miller)

CONFIDENTIAL

[WASHINGTON,] May 5, 1950.

Subject: Oil Imports; Your Meeting with Speaker Rayburn.

You and Mr. Winthrop Brown, ITP,¹ have an appointment to see Speaker Sam Rayburn at noon today. Mr. Brown is on the Hill in connection with the ITO hearings and will meet you at the Speaker's office.

The subject for discussion is the movement in Congress sponsored by independent oil producers, coal producers and railroads drastically to curtail imports of foreign petroleum. The alleged justification for the proposal is the cutback in Texas production which has reduced the State's revenue, plus the fact that successive coal strikes and increases in coal prices have caused a very considerable increase in the use of residual fuel oil on the Eastern seaboard thereby diminishing the market for coal.

The Administration has consistently opposed restrictions on petroleum imports because it has not been convinced that independent oil producers are actually suffering substantial economic losses and that

¹ Mr. Brown was Director of the Office of International Trade Policy.

the switch from coal to oil reflects not only the economic advantages of using oil but also the chaotic conditions in the coal industry.

In spite of the strong case which we have presented and in spite of the damage to the Venezuelan economy which severe restrictions on oil imports would cause, the movement in favor of restrictions seems to have been gaining ground in recent weeks due principally to the activities of Senators and Representatives from coal states. On April 20 officers of the Department met with Representative J. M. Combs (D-Texas) who informed them that he had just returned from Texas and was convinced that something would have to be done to bring the import situation under control in order to prevent the defeat of Congressional supporters of the Administration's foreign policy in the coming elections. He admitted that much of the blame placed on imports was unwarranted and felt that the problem was largely psychological, arising from the fact that rightly or wrongly people thought imports were responsible for their troubles. He urged the Department's representatives to suggest some positive action in regard to oil imports so as to quiet the fears of domestic producers.

After careful consideration, the Department has concluded that the most effective means available to us to obtain the psychological effect desired by Rep. Combs without appreciably damaging either American overseas petroleum interests or the economies of foreign countries would be to announce the approaching termination of the Mexican Trade Agreement. This step had been decided upon some months ago because of the continued violations by the Mexicans of the Agreement but was deferred at the request of Ambassador Donnelly because of the unfortunate effect he felt this action would have in Venezuela. It was decided, however, when the Ambassador was last in Washington that if the danger of legislative action to restrict oil imports appeared imminent and the Department felt the denunciation of the Mexican Agreement might help prevent such action, he agreed that this step should be taken and promised to prepare the Venezuelans for it. He has reiterated that same view in recent telegrams to the Department and in telephone conversations with me. I have promised Ambassador Donnelly to notify him immediately when the Department decides to go ahead with the termination of the Mexican Agreement.

It is suggested that you discuss briefly with the Speaker the problem of petroleum imports, emphasizing the Department's view that they do not constitute a menace to the oil industry in Texas since recent increases in imports have been almost entirely of residual fuel oil which is not competitive with the Texas production. You might mention that representatives of the major importers promised the Keough

Committee² that imports for the first half of 1950 would average approximately 750,000 b/d. This promise has not been fulfilled to date because the coal strike created a very serious threat of fuel shortages on the East coast. In order to keep their generators running, several large public utilities, including Consolidated Edison in New York, made an emergency conversion from coal to oil. As a result, imports for March, instead of declining substantially, will probably be about 885,000 b/d.

We have been informed by representatives of the industry, however, that this was due entirely to the emergency situation and that imports will be drastically reduced in May and June.

In spite of these considerations, the Department realizes that Senators and Representatives from coal and oil regions are under severe pressure from their constituents, and we therefore propose to proceed at once with the termination of the Mexican Trade Agreement. This will have the effect of doubling the internal revenue tax on all petroleum (crude, fuel oil and gas oil) imported in excess of 5% of domestic refinery throughput for last year. This means that the tax will be doubled on about half of our current imports. In addition, duties will be raised on imports of tomatoes which have recently been imported from Mexico in large quantities and which have caused considerable concern in Texas.

The Department is extremely anxious to learn the Speaker's views on this proposed move. We would like therefore to have his judgment as to the strength of the movement to restrict petroleum imports and the chances that the denunciation of the Mexican Trade Agreement will make it possible for Administration supporters to prevent restrictive action in this session. In brief, you should try to convince the Speaker that the Department is sincerely interested in the welfare of our important domestic industries as well as the welfare of foreign peoples, that we are anxious to do all we can to assist our friends in Congress in their electoral problems and that we hope for his support and assistance in preventing any action by Congress which would be contrary to our international commitments and our basic foreign trade policies, and which would result in great hardship for friendly foreign countries and cause a drastic decline in American exports.³

² Representative Eugene J. Keogh of New York was Chairman of the Subcommittee on Oil of the House Small Business Committee.

³ In telegram 382 to Mexico City, May 5, the Department stated in part: "... Dept believes joint termination, effective July 1, helpful in preventing adoption legis providing more stringent control petroleum imports than tariff quota provisions Venez TA. Informed of proposal by Miller, Speaker Rayburn today suggested prompt action." (411.1231/4-1450)

812.10/5-2650

*Memorandum by the Director of the Office of Middle American Affairs
(Mann) to the Under Secretary of State (Webb)*

CONFIDENTIAL

[WASHINGTON,] May 26, 1950.

Subject: Meeting with the President with respect to the proposed Pemex loan.¹

The attached memorandum for the President outlines for the President the general proposition you submitted to Mr. Murphy this week. It indicates the relationship of the proposed loan to the Mexican political situation; the economic objections to the loan; and presents in general terms the irrigation project alternative.

It is strongly recommended that the proposition put before the President does not include a proposal that Secretary Snyder² inquire of President Alemán whether he wishes an irrigation loan rather than a credit to Pemex. It is the Department's judgment that the Mexican Government would undoubtedly ask for a large Pemex credit with the expectation that they would not use all of the petroleum credit and would be able also to get an irrigation loan.

With regard to the specific proposal that Secretary Snyder convey this Government's decision to President Alemán, if the President decides to send a personal emissary to Mexico, our latest thought is that George Elsey might be particularly qualified for such a mission because he is on the President's personal staff. Also, it would seem more appropriate from the political standpoint that the emissary not be someone of Cabinet rank.

If the president is agreeable to the proposal set forth in the attached memorandum, it should be made clear that further consultation in the Government is necessary before this decision is conveyed to the Mexicans, specifically, approval by the Export Import Bank and the National Advisory Council of the initial irrigation loan application.³

¹ An unsigned marginal note on this memorandum reads: "Memo supposedly left at White House by Mr. Webb May 27th."

² John W. Snyder, Secretary of the Treasury.

³ In a memorandum to Mr. Webb of May 4, apparently intended to brief the Under Secretary for a discussion of the Pemex question with the President, Mr. Mann had stated in part:

"1. The Department is opposed under present circumstances to making any loan to Mexico for any phase of its petroleum industry and this view is shared by the Export-Import Bank. However, if the President decides that a loan should be made, this Department will, of course, cooperate fully with the White House in every respect. It will, however, be necessary for the White House to issue direct instructions to the Export-Import Bank since the Export-Import Bank objects violently to any efforts on the part of the Department to influence its loan policy.

2. The reason for the change in the Department's position since last July is that today the great problem in the petroleum industry is the oversupply situation. Furthermore, Mexico has made no effort whatever to comply with our suggestions of last July as to further contracts for wildcatting.

3. The other big factor in considering this problem is that Mexico has nearly reached the limit of its borrowing capacity." (812.10/5-450)

[Attachment]

MEMORANDUM FOR THE PRESIDENT

Subject: Mexican Petroleum Loan ⁴

The question of a government loan for Pemex has had a marked and adverse effect on United States relations with Mexico. While the matter should be one of economics it has become primarily a political issue.

The most important objective at the moment is to get a definitive United States decision and thereby remove this particular source of friction between our two countries.

President Alemán doubtless would be pleased if a petroleum loan were to be made, but the Department has no information that he attaches any greater importance to a petroleum loan than he does to pending loans for other types of projects. His personal political position is secure. The Government party has not lost an election since it came into power in 1917 and its control of the electoral processes is so complete as to make its continuance in power inevitable unless it should become weakened by internal dissension or overthrown by the army. Alemán's personal political fortunes are not at stake since he is forbidden by the Mexican Constitution from succeeding himself.

Senator Bermudez is the Mexican official most interested in the loan. He aspires to be elected president in 1952 and believes that the granting of a petroleum loan will improve his chances. On the other hand, he has political rivals also within the Government party, including the Minister of Finance Beteta, who probably has a much better chance of becoming president and who might resent any action on our part which would build up Bermudez.

The economic considerations of the proposed loan are also of great importance. Since the nationalization of the petroleum industry in 1938 it has been necessary for the Mexican government to subsidize its operations. Even with the financial support of the government, Pemex during its twelve years of operation has not discovered any new oil fields of major importance. If in the future the industry is to supply, instead of using, scarce dollar exchange, it will be necessary for Pemex to embark on an adequate program for the exploration and development of new oil deposits in order to increase production and replace the old fields which are rapidly being depleted. Experience elsewhere (as in Venezuela and the Middle East) indicates that this is a job for private enterprise.

⁴ An undated copy of this memorandum found in Mr. Elsey's papers bears the following unsigned, handwritten notation: "Pres. rejected this Sat. 27 May & told Webb he definitely wanted an oil loan." (Harry S. Truman Library, Papers of George M. Elsey)

It is therefore desirable for the Mexican government to arrive at some agreement with private foreign oil companies, fair alike to the Mexican government and the companies, which would make possible the investment of the large amount of capital and technical skill required. Mexico could provide an opportunity for the small independent oil companies to go across the border and cooperate with Mexico in carrying out the necessary wildcatting and development. This Government was willing, as this was accomplished, to make loans for the construction of transportation, storage, and refining facilities.

It is believed that this was a sound position for two principal reasons:

a) Mexico already has such a large dollar debt that she would be unable to service further substantial dollar obligations. The financial experts in this Government view the approximately \$400,000,000 debt of the Mexicans as close to the maximum dollar load that country can service out of present or prospective dollar earnings.

b) An unconditional petroleum loan would be interpreted in Mexico and throughout the world as United States government approval of a nationalistic approach to the problem of oil development. This interpretation would be in direct contrast to established United States foreign economic policy. This interpretation would weaken the position of the strategic Venezuelan oil industry, a source of supply which would be essential in time of war.

The latest Mexican proposal is that an Export-Import Bank credit of \$150,000,000 be extended for distribution, storage, and refining facilities, \$20,000,000 of which would be utilized immediately. The Mexican Ambassador has stated that his Government wishes to announce the granting of a large credit and small loan, and he clearly implied that Mexico does not attach great importance to the utilization of all the credit.

This proposal is subject to the following objections:

a) The large credit and small loan is not the solution to Mexico's distribution and refining problems; nor would it bring about expanded exploration and development activities; nor would it materially improve their dollar position.

b) The Export-Import Bank is now considering an initial \$30,000,000 loan for important irrigation projects which should have the effect of conserving dollar exchange by reducing imports of agricultural products. Also, the International Bank, as the result of recent studies, is considering the feasibility of additional loans for electrification as well as possible participation in the establishment of a Mexican industrial bank to promote economic development. With Mexico's debt near the limit of its servicing capacity, a question of priorities arises. If Mexico were to use its remaining dollar credit for a petroleum loan, this would prejudice the irrigation and other loan applications to which the Mexican government attaches importance.

c) The Mexican proposal of a \$20,000,000 loan and a large unused credit is a loan procedure at variance with the policies of the Export-

Import Bank and the National Advisory Council. For instance, even if only \$20,000,000 were actually used, it would be necessary for the Bank to earmark the entire amount of the credit committed with a consequent immobilization of capital needed by the Bank.

d) It would encourage a nationalistic approach to the problem of discovering and developing Latin American oil resources.

If you agree that it would not be wise to make a petroleum loan at this time, it would, however, be desirable for you to assure President Alemán of our continued friendly interest in the development of all phases of the Mexican economy. The financial and technical assistance which we are already lending Mexico, which exceeds that given any Latin American country, is the best proof of our good faith. You could explain to him the opinion that it would be more constructive for us to seek agreement on the Yaqui River and Rio Grande irrigation projects now under study by the Export-Import Bank and, to the extent which it is found to be feasible, on the development of a program with the International Bank.

812.2553/5-3150

*Memorandum of Conversation, by the Director of the Office of
Financial and Development Policy (Stinebower)*

SECRET

[WASHINGTON,] May 31, 1950.

Subject: Pemex Loan

Participants: Mr. Herbert Gaston, President, Export-Import Bank
Mr. Willard Thorp, Assistant Secretary of State

Mr. Thorp reported that Mr. Webb had strongly presented to the President the case against a Pemex loan with no success, and that the President had indicated it was his view that such a loan should be made. Mr. Gaston indicated that he was already aware of the general outcome of the discussion, and said that if such a decision was to be a matter of high administration policy, he wished to hear it directly from a representative of the White House.

Mr. Gaston indicated his strong disagreement with the decision, and said he wanted to point out to the White House, as he had already done the day before to Senator Kefauver,¹ the inevitable results of such a decision—namely, that a number of Latin American countries, including Bolivia, Brazil, Colombia, as well as other countries such as Turkey, would promptly apply to the Bank for similar loans for petroleum development. Mr. Gaston thought this was contrary to the Bank's established policy of working with private capital and leaving to private capital fields which such capital would finance.

¹ Estes Kefauver of Tennessee.

Mr. Gaston inquired if there were any details as to the precise character of the transaction which the President had in mind, to which Mr. Thorp replied in the negative.²

² In a letter of July 17 to Horace H. Braun of the Embassy in Mexico, Robert H. S. Eakens, Chief of the Petroleum Policy Staff, said in part: "In regard to the Mexican oil loan, it has appeared from time to time that it would be approved by the White House at almost anytime, for the indications that we received continued to be to the effect that the White House wanted a loan made. At a meeting at the White House on June 23, however, according to the reports that I have had, the President simply emphasized that he wanted to make his view known to the Bank. It was left at the meeting that the Bank would re-study the matter. I have not seen any results as yet of that action." (812.2553/7-1750)

Editorial Note

Documents in file 411.1231 for 1950 indicate that the United States asked Mexico on May 7 for joint termination of their Reciprocal Trade Agreement, to be effective June 30. Mexico wished joint termination to take place six months after the projected announcement, primarily so that winter vegetables could be marketed at the lower duty for part of one more growing season. Alternatively, Mexico proposed informally an immediate withdrawal by the United States of the petroleum concession in return for extension of the remainder of the trade agreement to June 30, 1951.

Following some internal discussion, the Department acquiesced in the first of the alternatives offered. After additional negotiations, primarily procedural, the Agreement was jointly denounced by exchange of notes dated June 23, 1950. The denunciation came into effect December 31. Texts of the notes are enclosed with despatch 1584 from Mexico City, June 26. (411.1231/6-2650)

811.06-M/7-1750

*Memorandum by the Officer in Charge of Mexican Affairs (Rubottom)
to the Director of the Office of Middle American Affairs (Mann)*

CONFIDENTIAL

[WASHINGTON,] July 17, 1950.

Subject: Mexican Workers

Problem:

To obtain by legal means Mexican farm labor.

Discussion:

Although the United States-Mexico Farm Labor Agreement,¹ signed one year ago, was expected to resolve the above problem, it has

¹ Text of this Agreement of August 1, 1949, is printed in *United States Treaties and Other International Agreements* (UST), vol. 2 (pt. 1), p. 1048.

fallen far short of those expectations. The principal causes for the breakdown of the agreement are (1) the continued presence in the United States of thousands of illegally entered "wetbacks" in spite of the enforcement efforts of the Immigration and Naturalization Service, (2) the bitter opposition of the growers in the Lower Rio Grande Valley of Texas and Southern California, who desire to continue the hiring of wetbacks, in view of (1) above and who have refused to cooperate with the USES and INS, and reportedly have even bribed certain Mexican authorities in an effort to have the agreement vitiated as a step toward the retention of their wetbacks, and (3) the inability of Mexico to carry out her obligations under the 1949 agreement.

Discussions with the Mexicans, in anticipation of this growing season, were begun in April. Mexico was told that the United States would need approximately 30,000 workers to be contracted at Monterrey, with some additional ones to be contracted at Chihuahua and Hermosillo. The three contracting centers had been placed in the interior of Mexico at the insistence of Mexico. She is now insisting, however, that it is politically impossible for her to contract laborers for the United States anywhere in Mexico due to the opposition of her own growers and labor unions.

In lieu of contracting at the above points, Mexico suggested that the United States, "for this one time only", again legalize wetbacks now in this country, regardless of whether they entered prior to August 1, 1949 (as required under the amended agreement of last year) or only recently. The INS has maintained that this must not be done since it places a premium (by enabling the wetback to get a legal work contract) on those who have violated both Mexican and United States law. It would also make it difficult, if not impossible, for the INS to continue its deportation campaign directed against wetbacks since there would be inequality of justice (some wetbacks deported and others given work contracts). The State and Labor Departments have recognized the legal and moral correctness of that view, although it is believed that, since the suggestion to legalize wetbacks came from Mexico, the State Department could not reasonably object to the plan. The Department of Labor seems to be going along with the INS view mainly on principle and because of fear of opposition to any such plan from organized labor and segments of Congress.

A compromise plan was suggested calling for the continued deportation of wetbacks but with Mexico permitting certain numbers of such deportees, certified by USES as necessary to meet farm labor demands, to re-enter the United States legally and be contracted on this side. For Mexico this would guarantee that there would be no contracting south of the Rio Grande, while, for the United States, there

would be no legalization of wetbacks since the workers contracted would have entered legally. This could be done under Mexican immigration laws and under United States laws by means of the Ninth Proviso granting the Attorney General authority to make certain exceptions to our immigration laws. However, representatives of INS and USES have just returned from San Antonio, where conferences were held with Mexican representatives, and they report that no workable understanding could be agreed to on this plan because of the Mexican insistence that the main ports of entry not be used and, more important, their demands that only selected wetback groups be deported for immediate re-entry. This is exactly what the Lower Rio Grande Valley has been wanting and adds credence to the report, which USES and INS accept now as fact, that the growers have bribed certain key Mexican officials to take a position which, in effect, will nullify the agreement and permit them to keep their wetback "key workers".

On Saturday afternoon, I met with Messrs. Motley, Larin, and Holley of USES, and Mr. Kelly of INS. The alternatives facing the United States are:

1. Denounce the agreement;
2. Keep the agreement for the sake of appearances and in view of the present world situation, and arrange some *modus operandi* to get Mexican labor as needed. This can be done by

(a) Legalization of wetbacks, now opposed by INS but within the authority of the Attorney General to accomplish. (It has already been done once, August 1949, under the agreement.)

(b) Legal admission under the Ninth Proviso of Mexican workers to extent needed. This presupposes that Mexican immigration officials will permit their citizens who so desire to enter the United States to work under contract. The general contract provisions, with respect to treatment and wages, would be retained for the Mexican workers. Mr. Larin of USES is the principal advocate of this plan. He acknowledges that the Mexican immigration officials for a short while might not permit braceros to cross the border legally, but he believes that the pressure would soon build up and force them to permit such crossings.

Recommendation:

Notwithstanding the undesirability of certain features of the plan, it appears that the legalization of wetbacks is the most practical method of extricating ourselves from this situation. This approach will make no difference in the Lower Valley, according to Jack Ohmans,² who has just returned from there, since the wetbacks are already there by the thousands and are still flooding in. He reports that the courts are so crowded that deportation cases are stacking up. INS has insufficient personnel to carry out its program of rounding

² John L. Ohmans, assigned to Mexican Affairs.

up wetbacks for voluntary deportation. The situation is bad and could hardly be worse.

By legalizing wetbacks, this Government can (1) assure growers in other States of a labor supply; (2) can avoid another "El Paso incident"³ (a real possibility if Larin's suggestion to permit entry under the Ninth Proviso⁴ is carried out); and (3) can keep intact the agreement with Mexico at a time when it assumes possibly greater importance than before. It would also help prevent passage of the so-called Anderson Bill,⁵ which ignores Mexican immigration laws and would damage United States-Mexican relations.⁶

³ Information concerning this incident is printed in the Department of State *Bulletin*, issues of October 31 and November 7, 1948, pp. 562 and 585-586, respectively.

⁴ A reference to the Immigration Act of February 5, 1917 (39 Stat. 874). There were 10 "provisos" to Section 3 of the Act. The ninth of these recitals provided for the temporary entry into the United States of otherwise inadmissible aliens.

⁵ S. 272, introduced by Senator Clinton P. Anderson of New Mexico, reported favorably by the Committee on the Judiciary on April 10, 1950, but not enacted that year. The Bill would have allowed Mexican farm workers to enter the United States to a number certified necessary by employers, without regard to Mexican legislation on the subject. The Department opposed S. 272 on the grounds it would unilaterally undercut the existing Agreement. (memorandum by Mr. Barber to Jack H. McFall, Assistant Secretary of State for Congressional Relations, April 19, 811.06(M)/4-1950)

⁶ In a memorandum to Mr. Barber of July 18, Mr. Rubottom reported in part that at a White House meeting of State, Labor, and Justice Department officials the representative of the latter agency objected to the legalization proposal on the grounds it would encourage illegal traffic and that it had therefore been decided to ask Mexico to allow braceros to cross the border legally. (811.06-M/7-1850) In telegram 86 from Mexico City, July 25, the Embassy said in part Mexico's maximum concession would be to certify for immediate reentry the needed number of workers from among illegal entrants (who would be required first to depart the United States voluntarily). (811.06(M)/7-2450)

An exchange of notes along the lines proposed by Mexico took place July 28. Text, not printed, is enclosed with despatch No. 270, August 28. (811.06-M/8-2850)

611.1294/8-450

Memorandum by the Under Secretary of State (Webb) and the Acting Chairman of the Civil Aeronautics Board (Ryan) to the President

CONFIDENTIAL

WASHINGTON, August 2, 1950.

Subject: Mexican Aviation Negotiations

Reference is made to the memorandum of November 4, 1949¹ signed jointly by Under Secretary of State Webb and Joseph O'Connell, Chairman of the Civil Aeronautics Board, a copy of which is attached for convenient reference. The memorandum which received your approval outlined the history of our unsuccessful negotiations with the Mexican Government regarding an air transport agreement to implement the provisions of the Latin American Route Decision and pro-

¹ Not printed.

posed that an attempt be made to obtain permission for Eastern Airlines to operate the route New York-New Orleans-Mexico City, in return for reciprocal rights for a Mexican carrier on that route and for commercial rights at Miami for Aerovias Guest, S. A. Aerovías Guest, a Mexican corporation with 49% ownership by American citizens, operates from Mexico City to Madrid.

More than six months have elapsed since this proposal was made to the Mexican Government and an informal refusal to negotiate on this basis has now been received from the appropriate Mexican officials. Mexico has proposed that permission be granted immediately to Guest after which negotiations will be resumed in an endeavor to reach agreement on the remaining problems.²

Since there is no reason to anticipate that Mexico will change its position, it must be assumed that the proposal, after a reasonable trial has failed. The Guest airline claims serious financial difficulties will force it into bankruptcy unless the permission to operate at Miami is granted. Such a development would impede rather than contribute to a constructive solution of our civil aviation problems with Mexico, and would probably lessen to a greater extent Eastern's chances of obtaining the necessary permission to operate.

It is our opinion that if the Guest application is granted a better atmosphere will prevail for the eventual solution of outstanding civil aviation matters between the two governments. It is our further belief that continuance of the present policy of not granting the Guest application until Eastern is given permission to operate will further prejudice civil aviation relations between the two countries.

We therefore request your approval of a course of action in which the Guest application for commercial rights at Miami may be granted

² An unsigned memorandum of a conversation held in Mexico City on July 7, 1950, between Acting Foreign Minister Manuel Tello, Mr. Miller, and other officials, reads in part:

"Mr. Miller referred to a conversation which he had recently had with Ambassador de la Colina in Washington; the Ambassador suggested, on instructions from his government, that the Guest application for permission to take on and discharge passengers in Miami be granted and said that the Mexican Government would then be willing to discuss with the United States the possible negotiation of a bilateral aviation agreement. Mr. Miller said that he had become convinced that the Guest application should not be related to United States *desiderata* and that Mr. Mann would return to Washington and immediately explore the possibility of reaching agreement with the other interested agencies for the prompt granting of the Guest application. Mr. Miller then said that it would be helpful if he could be informed of the intentions of the Mexican Government with respect to United States carriers desiring to enter Mexico. Sr. Tello said that he was not in a position to go beyond the statements made by the Ambassador but that he would discuss the matter with the appropriate officials and inform Mr. Miller as soon as possible. Mr. Miller made it clear that his views concerning the Guest application would not be conditioned by the reply he received from Sr. Tello." (enclosure to despatch 96 from Mexico City, July 12, 1950, 611.12/7-1250)

Additional documentation on proposals that may have been made in the matter by Ambassador de la Colina or Minister Tello has not been found in Department of State files.

before further discussions are undertaken with the Mexican authorities in an endeavor to obtain rights for Eastern Airlines into Mexico City as well as to implement further the provisions of the Latin American route decision.³

JAMES E. WEBB

OSWALD RYAN

³ A handwritten marginal note reads: "Suggestion approved Aug. 4, 1950. Harry S Truman." The Aerovías Guest permit was issued August 25.

812.10/8-850

Memorandum by the Assistant Secretary of State for Inter-American Affairs (Miller) to the Under Secretary of State (Webb)

CONFIDENTIAL

[WASHINGTON,] August 8, 1950.

Subject: Mexican Line of Credit.

You will be interested in the attached telegram no. 154¹ of August 7 from Mexico City. Apparently we have made some headway in convincing Mexico of the wisdom of accepting the Gaston-Cortina proposal² for a general line of credit without mention of oil.

However, I wish to call your attention to the method whereby Mexico negotiates on an important matter of this kind through the use of a Republican Senator (who has been attacking me publicly and privately) going to the White House directly. So long as Mexico feels that it has direct access to the President through members of Congress (including the Department's enemies in Congress), it will obviously be impossible for this Bureau to function effectively in so far as concerns Mexican affairs.

¹ Text in part:

"Bermudez told Embassy officer yesterday President Alemán, Beteta, Bermudez and Tello recently had meeting during which Tello instructed send memorandum De la Colina stating Mexico desired line of credit of \$150,000,000 with no mention of oil. Copy of memorandum sent Senator Morse with request he discuss it with President Truman and explain there was no foundation for report of disunity in Mexican Cabinet over loan, and that it was not desired for political purposes. It was not clear what action De la Colina was to take but apparently Alemán hoped obtain reaction of President Truman before issuing instructions to De la Colina re formal application for line of credit." (812.10/8-750)

² Described *infra*.

812.10/8-1750

Memorandum by the Assistant Secretary of State for Inter-American Affairs (Miller) to the Under Secretary of State (Webb)

CONFIDENTIAL

[WASHINGTON,] August 17, 1950.

Subject: Suggested points which might be made to Mr. Gaston regarding the Mexican credit proposal.

1. The Department and the Eximbank have for more than a year recommended against any changes in our oil policy. During all of this time the Pemex group in Mexico has attempted to apply certain pressures.

2. Mr. Cortina, Commercial Counselor of the Mexican Embassy, discussed with Mr. Gaston about 2 months ago the extension of a general line of credit to Mexico as an alternative to a petroleum loan. The Mexican Ambassador, with the assistance of Cortina, has, we believe, been successful in convincing President Alemán that Mexico should withdraw its request for a petroleum loan and apply instead for a credit of 150 millions with the understanding that disbursements will be made only in accordance with the practices and policies of Eximbank.

3. The size of the credit is important politically to President Alemán because of the extensive publicity which the Mexican press has given to reports of a possible oil loan of from 2 to 4 hundred millions, and because of the publicity which accompanied Senator Bermudez' visit last year. There is a real risk that if we make a counter-offer substantially less than 150 millions, or if we do not act promptly, President Alemán will withdraw his request for a credit and resume his support of the Bermudez position.

The timing is also important in view of the desire of President Alemán to make political capital of the credit in his September 1 address to the Mexican nation.

5. In view of these considerations, and the importance of Mexican cooperation in the crisis which we are now passing through, it is hoped that the Export-Import Bank will not delay action until it is absolutely satisfied that Mexico has a borrowing capacity for the full amount of the credit; and that, instead, the Bank make it clear to the Mexicans in an informal way, that under the circumstances it will be necessary for the Bank to examine more fully than normally the borrowing capacity factor each time a loan application is presented.

812.10/8-2150

Memorandum by the Economic and Finance Adviser of the Bureau of Inter-American Affairs (White) to the Assistant Secretary of State for Inter-American Affairs (Miller)

CONFIDENTIAL

[WASHINGTON,] August 21, 1950.

ARA DISTRIBUTION ONLY

Subject: Proposed EximBank Credit to Mexico

I am informed that ARA is giving vigorous support to a proposal that the EximBank grant a general line of credit to Mexico of \$150 million, with affirmative acceptance to be taken so that President Alemán can make public announcement of the new credit in his September 1 address to the Mexican nation. The actual disbursement of the \$150 million would be made only against specific projects subsequently approved by the EximBank.

I am aware of the political reasons for this type of approach, but wish to outline to you the possible implications of this action relative to US political and economic relations with the other nineteen republics.

EximBank negotiations and decisions with the other American Republics have been based on certain guiding principles set forth in Section 7 of its General Policy Statement, Revised August 1, 1947.¹ Three of these basic principles which are relevant to the Mexican proposal are as follows:

1. *Reasonable assurance of repayment.*

"(c) As a matter of prudent management and in conformity with the Act of 1945, the Bank makes only loans which offer reasonable assurance of repayment.

"In passing upon loan applications the Bank endeavors generally to select those most likely to improve the economies and international financial position of the borrowing countries. Loan applications are carefully analyzed by the Bank's staff from the economic, financial, engineering, and legal points of view; they are approved or rejected only by the Board of Directors."

It is quite possible that the normal procedures of the National Advisory Council would indicate that Mexico has additional borrowing capacity of a limited character. It should be pointed out, however, that with the exception of Paraguay, Mexico already has the highest ratio of dollar contractual and service obligations to annual export to the US of any Latin American country. This percentage of 17.7 compares with 10.9% for Chile, a country regarded as close to a maximum figure, and 5.4% in the case of Brazil. Furthermore, Mexico has an unusually heavy liability on the service of direct dollar investments, this item having amounted to \$56.9 million in 1949. The only

¹ Not printed.

conclusion which I wish to draw at this time from the foregoing is that Mexico's debt service position is in such a precarious position that the promotion of a \$150 million additional credit without adequate NAC study carries with it a heavy responsibility.

2. *Bank policy regarding loans only for specific purposes.* The General Policy Statement contains the following paragraph:

"(b) In accordance with its established practice and with the policy of Congress expressed in the Export-Import Bank Act of 1945, the Bank generally makes loans only for specific purposes. A corollary of this principle is that disbursements under a commitment by the Bank are made only upon receipt of evidence satisfactory to the Bank that the purposes of the loan have been or are being carried out by the borrower. Conversely, the Bank does not make lump-sum advances but extends credits only for purposes which it has previously approved."

It is my understanding that this policy has been invoked and adhered to by the Bank in numerous cases where requests from Latin American countries have been received for a general credit line.

3. *Financing of local currency expenditures.* The General Policy Statement also includes the following:

"(d) As a general rule, the Bank extends credit only to finance purchases of materials and equipment produced or manufactured in the United States and of technical services of American firms and individuals, as distinguished from outlays for goods, labor, and services in the borrowing country or purchases in third countries."

Inasmuch as some of the operations under the proposed loan program for Mexico would include EximBank dollars to finance local currency expenditures, at least in the case of irrigation, the proposed credit would constitute a third deviation from the guiding principles of the EximBank.

4. Finally, it is my understanding that Assistant Secretary of the Treasury Martin has been attempting to work out a formula to settle jurisdictional differences between the International Bank and EximBank under which the former would deal with loans of a long-term character.² It seems to me that the categories set forth by the American Embassy in Mexico for the new loan program, namely, irrigation, national railways, new railway construction and port works, would in the main fall in the long-term category.

5. *Comment.*

In my judgment the adoption of the line of action proposed for the Mexican credit will raise many questions of discrimination in the minds of other Latin American countries—questions which will not be easy to answer. These problems would not be insurmountable if the EximBank had at its disposal a large enough unused lending authority

² For additional documentation on this subject, see pp. 757 ff.

after the granting of Mexico's loan so that it would be in a technical position to adopt a liberalized credit policy towards the other nineteen American Republics based on investment in long-term projects, willingness to finance local currency expenditures, extension of general credit lines and liberal treatment of the question of repayment capacity. This, however, is not the case.

Editorial Note

In a letter of August 23, 1950, to Herschel V. Johnson, Ambassador of the United States to Brazil, Mr. Miller stated in part that the Department had never been enthusiastic about an oil loan to Mexico because of its possible effect on United States relations with other countries to which we had denied petroleum loans. Therefore the present loan proposal, which included as corollary Mexico's withdrawal of oil loan requests, appeared to be a desirable solution to the problem despite the potential adverse effect on United States-Brazilian relations of a credit to Mexico in the amount contemplated.

For the text of this letter, see page 760.

NAC Files, Lot 60 D 137

Draft of Minutes of the 162nd Meeting of the National Advisory Council on International Monetary and Financial Problems

SECRET

[WASHINGTON,] August 30, 1950.

[Present:]

Secretary John W. Snyder (Chairman), Treasury Department
Mr. Oscar Zaglits, Agriculture Department, Visitor
Mr. James E. Webb, State Department
Mr. Leroy D. Stinebower, State Department
Mr. Phil R. Atterberry, State Department
Mr. Arthur Marget, Board of Governors, Federal Reserve System
Mr. Frank Tamagna, Board of Governors, Federal Reserve System
Mr. Herbert E. Gaston, Export-Import Bank
Mr. Walter Sauer, Export-Import Bank
Mr. Edward Lynch, Export-Import Bank
Mr. Richard M. Bissell, Jr., Economic Cooperation Administration
Mr. James A. McCullough, Economic Cooperation Administration
Mr. Lawrence S. Dreiman, Economic Cooperation Administration
Mr. Frank A. Southard, Jr., International Monetary Fund
Mr. Elting Arnold, Treasury Department
Mr. Charles R. McNeill, Treasury Department
Mr. Andrew M. Kamarck (Acting Secretary)
Mr. Allan J. Fisher (NAC Secretariat)

[Here follows a table of contents.]

1. *Proposed Export-Import Bank Credits to Mexico*

Mr. Kamarek said that the Export-Import Bank had asked for the advice of the Council regarding requests of Mexico for a line of credit up to \$150 million to finance projects in agriculture, transportation and other fields. Except for two irrigation projects, no specific projects had been presented by the Mexican Government, nor had it indicated how the \$150 million would be allocated. The Staff Committee had examined the Mexican position, and noted that there has been considerable improvement in the international financial position of Mexico recently. The official reserves have increased by over \$80 million in the last year. The balance of payments showed a small surplus in 1949. The long-term outlook for Mexico's balance of payments depends to a large extent upon the ability of its Government to control increases in money incomes. Mexico's foreign debt is now around \$287 million, of which \$77 million is due to the Export-Import Bank. Even with the addition of the new indebtedness, Mexico should be able to meet its debt burden without undue difficulty. The Staff Committee had recommended approval of the request (NAC Document No. 1038).¹

Mr. Webb said that the United States had had problems with Mexico in fields other than finance, such as aviation. The State Department felt that this proposal would go a long way toward putting relations between the two countries on a more satisfactory basis and would contribute to improvement of foreign relations in that field.

Mr. Zaglits said that the Department of Agriculture was very conscious of what Mr. Webb had said about the political importance of the program. However, the Department would like to call attention to the special feature of irrigation projects. These were designed to expand production, primarily in commodities for which the United States had a price support program. The working group study (NAC Staff Document No. 456)¹ pointed out that Mexican cotton was generally similar to that of the United States and was indirectly accorded the high and stable world price for dollar cotton resulting from United States domestic support measures. The United States cotton and other stockpiling programs raised problems which could not be solved by discussion at the present meeting, but the Department of Agriculture would desire that they be discussed between the Export-Import Bank and the Department.

Mr. Gaston said he had had a conversation with Mr. Zaglits the preceding day on this matter and had told him that the Export-Import Bank would be very happy to talk to the Department of Agriculture

¹ Not printed.

on problems of irrigation credits. The project which was particularly involved was that of the Falcon dam, which was a subject of international treaty. It would be a problem as to whether the Mexicans could direct their production into lines which would give a greater promise of long-range stability than would cotton. The Bank would be glad to discuss this matter further.

Without further discussion the recommended action was approved unanimously. The Chairman announced that Secretary Sawyer had stated that he was strongly in favor of the proposal.

Action. The following action was taken (Action No. 421):

The National Advisory Council advises the Export-Import Bank that it approves consideration by the Bank of the establishment of a line of credit up to \$150 million to the Republic of Mexico to finance projects in agriculture, transportation, communications and electric power development.

It is understood that the average term of maturities under this line of credit might be in the neighborhood of 15 years with interest of about 3½ percent per annum. It is further understood that the Export-Import Bank will report to the National Advisory Council the categories of projects proposed to be financed under this line of credit, and the approximate amounts involved in such financing.²

[Here follows draft of minutes of the remainder of the meeting, which was devoted to topics unrelated to Mexico.]

² Following the NAC meeting the U.S. and Mexican Governments exchanged *aide-memoire*, not printed (both of which had been cleared in advance with all interested agencies of each Government) that same day.

In a memorandum of August 28 to Mr. Webb, Mr. Miller had said in part that the *aide-memoire* was particularly "... intended to show that Mexico withdraws its request for a petroleum loan and that Mexico understands the Eximbank will be free to deny particular loan applications if they are inconsistent with the policies and practices of the Bank." (812.10/8-2850)

The Board of the Export-Import Bank approved the line of credit on August 31, and it was first announced publicly by President Alemán in an address of September 1.

On December 15 the Bank authorized under this credit amounts of \$12.5, \$1, and \$17.5 million for the Falcón Dam and power plant, Anzalduas Dam, and Yaqui Alto Canal projects, respectively. The Bank's only other loan to Mexico during 1950 was \$2.74 million authorized April 5 for coal mine development.

811.06(M)/10-650

The Acting Secretary of State to the Secretary of Labor (Tobin)

WASHINGTON, October 6, 1950.

MY DEAR MR. SECRETARY: Reference is made to your observations concerning the use of Mexican labor on United States farms and to your recent discussion of this subject with Secretary Acheson.¹

¹ In a memorandum of October 4 to Mr. Webb, Mr. Barber said in part that Secretary Tobin had raised the Mexican agricultural labor issue at the Cabinet meeting held September 30. Mr. Barber did not describe the content of Secretary Tobin's remarks. (811.06-M/10-650)

Farmers in the South and Southwest have long employed, during certain seasons of the year, a large number of transient Mexican laborers whose custom it has been to cross over into the United States for periods when farm labor is in demand.

This movement of labor back and forth across the frontier has created a number of problems which for a period of years have been subjects of discussion between the American and Mexican Governments.

In these discussions, the Mexican Government has consistently asserted that American employers have discriminated against and unjustly exploited Mexican laborers, taking advantage not only of the temporary character of their residence in the United States, but of the illegal nature of their emigration and their consequent reluctance to appeal to law enforcement agencies of our Government. These assertions reflect the views of a large body of opinion in Mexico.

Moreover, the demand for farm labor has constantly increased in Mexico with the result that the Mexican Government is subject to additional political pressures from Mexican employer groups to prevent an exodus of Mexican workers to the United States.

In order to provide a legal and orderly basis, acceptable to the Mexican Government, for the temporary employment of Mexican labor in the United States, an agreement with Mexico was entered into on August 1, 1949. In essence, this agreement provides for the contracting in Mexico of laborers under terms and conditions which are deemed to safeguard the interests of the workers; it also permits the workers to enter the United States legally for temporary periods.

Unfortunately, many American farmers in the South and Southwest, accustomed to the employment of "wetback" labor entering our territory in violation of our immigration laws, considered that the terms of the agreement were onerous and neglected to contract for labor in Mexico in accordance with the terms of the agreement. At the same time, representatives of labor in this country expressed their opposition to the agreement for opposite reasons; they oppose the entry of any Mexican labor because it will allegedly aggravate the unemployment problem and keep farm wages low. The whole matter of migratory labor, with special emphasis on Mexican workers employed in the United States, is, as you know, now under study by a special commission appointed by the President² which is expected to submit its findings and recommendations next December.

Meanwhile, the general decline in unemployment in the United States, the drift of American farm workers to industry which is expanding as a result of the Korean conflict, and the accelerated rhythm of deportation of Mexican farm labor, have combined to create a

² On June 3, 1950, the White House announced the formation and membership of the President's Commission on Migratory Labor.

shortage of farm labor in this country which presently is particularly acute in California, where the harvesting season is now at its peak.

In order to alleviate this situation, the Embassy at Mexico City, as well as this Department, has been almost continuously negotiating with the Mexican Government since last June. As a result of our insistence on August 15, 1950, President Alemán personally intervened to facilitate contracting of Mexican labor at several border points.³ As a result of President Alemán's intervention, about 19,000 Mexican workers were contracted at El Paso, Texas, and 10,000 more in the lower Rio Grande Valley area. However, at Calexico, California, almost no contracting is taking place notwithstanding the presence just across the border of several thousand workers reported to be eager to cross into the United States to work; the principal reason advanced by the Mexican Government for its reluctance to facilitate passage across the frontier of these workers is that they are needed on Mexican farms in Lower California where there is a shortage of labor but where wages are not competitive with those paid in California.

In the most recent negotiations, the Mexican Government has taken the position that while it is not able to permit workers to leave Lower California, it consents to the contracting under the terms of the 1949 agreement of its workers already in the United States, regardless of whether they are here legally or illegally, even though this would be a deviation from the terms of the agreement. If this Mexican offer were accepted it is probable that the scarcity of farm labor in California would be alleviated.

However, the Immigration and Naturalization Service has, I understand, been reluctant to permit the contracting of workers illegally in the United States because it considers that this would encourage further illegal entry of Mexican migratory farm labor at a time when strenuous efforts are being made to deport laborers already illegally in the United States. If, in your opinion, the obtaining of additional farm labor is of great importance to the national economy, may I suggest that your Department consider with the Department of Justice the question of whether the national interest will be best served by continuing the present policy or by accepting the suggestions of the Mexican Government. This decision would appear to be a domestic one.

This Department, recognizing the importance of the problem, will in the meantime continue to discuss with the Mexican Government on an urgent basis the possibility of contracting for additional workers in Mexico. However, in as much as a change by the Mexican Government in its position would almost certainly subject it to criticism from its

³ Documents in file 811.06-M for August, 1950, indicate that the agreement of July 28 (described in footnote 5 to the memorandum of July 17 by Mr. Rubottom, p. 954) was ineffective in some areas because of a shortage of illegal migrants available for reentry and that the Embassy had made strong representations to obtain legal entry of farmworkers.

own people for the reasons already explained, there can be no certainty that our efforts will be successful, particularly since Mexican officials consider that they have already made ample concessions in order to meet the United States' need.

Sincerely yours,

JAMES E. WEBB

* No record of the Labor Department's response to this letter has been found in Department of State files.

The Mexican Foreign Office, in its Note No. 627985 of October 20, approved procedures for contracting 25,000 additional workers for farm labor in the United States. The procedures were similar to those in the agreement of July 28, (enclosure to despatch No. 1020 from Mexico City, October 23, 811.06-M/10-2350)

Documents in file 811.06-M for November and December 1950 indicate that the two countries were then, at the behest of the United States, preparing for extensive talks on farm labor matters.

911.5212/11-950

*Memorandum by the Officer in Charge of Mexican Affairs (Rubottom)
to the Assistant Secretary of State for Inter-American Affairs
(Miller)*

CONFIDENTIAL

[WASHINGTON,] November 9, 1950.

Subject: Mexican Aviation

At my request Ambassador de la Colina called at the office today at which time I pointed out that considerable time had elapsed since the granting of the Guest permit and we were wondering if he had succeeded in getting any expression from his Government since he had been approached by Mr. Mann last week. The Ambassador replied in the negative, although pointing out that he had sent an urgent query to the Foreign Office a week ago.

I told him quite frankly that Assistant Secretary Miller had understood the Ambassador's proposal several months ago to be: (1) the United States Government grant Guest commercial rights at Miami; and (2) if this were done the Mexican Government would be prepared to discuss the proposed Eastern route from New York to New Orleans to Mexico. I reminded him that the Department had worked diligently to bring about (1) above and that it was becoming increasingly embarrassing to try to explain the Mexican Government's failure to deliver under (2) above.

He said that he realized our situation and that he would call Foreign Minister Tello this afternoon to urge again that the Mexican Government take some initiative leading to discussions with the United States on the Eastern application and other pending aviation matters.¹

¹ In telegram 793 from Mexico City, December 20, Ambassador William O'Dwyer stated in part that when he had raised with President Alemán the question of the New Orleans-Mexico City route, the latter "... immediately indicated his lack of interest any single application further stating he wished aviation question taken up as a whole. Suggested matter be taken up through regular channels." (911.5212/12-1950)

PANAMA

POLITICAL AND ECONOMIC RELATIONS OF THE UNITED STATES AND PANAMA¹

719.00/3-350 : Telegram

The Ambassador in Panama (Davis) to the Secretary of State

CONFIDENTIAL PANAMA CITY, March 3, 1950—1 p. m.

147. Embassy appreciates comment Deptel 60² concerning measures designed retain recent gains Panama-US relations (Embtels 112, February 16 and 121, February 21).³

In utilizing his strong position to effect successful conclusion claims convention,⁴ President Arias was motivated, Embassy believes, by conviction best interests of self, his party, and country would be served. He was determined, as was Foreign Minister, demonstrate practical character of avowed policy to maintain cordial relations with US and encourage every form economic cooperation, including investments by foreign enterprise. Without doubt his long-range objective is to make Panama eligible for every form of economic cooperation US government may be able to give, and his immediate desire is to get timely help (preferably without increasing public debt) in relieving acute unemployment, which he feels must be done before October 1 when Assembly reconvenes if serious political crisis is to be avoided. He would prefer liquidation existing commitments rather than extension of credit, unless latter temporary and linked in some manner to commitment.

For us it is highly important keep initiative and prevent damaging counter-attack by Communist influenced groups. In view widespread publicity already given Point Four Program and likelihood that loans will be made for various projects in Latin America, it is obvious we would be in vulnerable position if nothing is done toward meeting

¹ For previous documentation, see *Foreign Relations*, 1949, vol. II, pp. 70 ff.

² Of February 21, not printed. In it the Department had in part asked for the Embassy's suggestions concerning specific action to be taken with the intent of ensuring retention of what the Department considered to be recent gains in U.S.-Panama relations. (719.00/2-2150)

³ Neither printed.

⁴ On February 13 the Panamanian National Assembly had approved a Claims Convention signed January 26 in Panama City. On October 26, 1950, Panama ratified the Convention. Ratifications were exchanged and the Convention entered into force that same day. Claims settled by it included the El Encanto and Malambo cases. For text, see *United States Treaties and Other International Agreements* (UST), vol. I, p. 685.

remaining commitments under General Relations Agreement of May 18, 1942.⁵ Embassy recommends accordingly we lose no time in putting ourselves in less vulnerable position by initiating action to get these before Congress.

As to Department's request for specific suggestions re means continue gains, Embassy is convinced any measure that will involve increase in employment will contribute to that purpose, but a most important factor is timing. Even a modest but popular project would be effective if undertaken early enough. The Frente Patriotico and other opposition elements are beginning to say that nothing effective is being done to relieve unemployment, and make sarcastic references to pro-US policy. Anything we can do now to increase employment in near future will be given maximum publicity by government and exploited to vindicate policy of *rapprochement* and favorable attitude toward foreign capital.

In addition to third point Embtel 112 re speed-up road maintenance which Department has approved, Embassy recommends following as helpful if action can be taken soon enough:

1. Reach early agreement with Panama Canal and Panamanian Government re station removal (numbered paragraph 10 of General Relations Agreement), in hope that work can be commenced soon on preparation of new site. This would have good political effect since great deal of attention by (Embtel 139, March 2)⁶ Panamanian Government might finance work by raising money on land received in exchange for new site. To be most effective this project would have to be announced within the next 60 days and work commenced well in advance of reconvening of the Assembly.⁷

2. If there is any chance of early action on Abaca program (Deptcirgram February 27, 8:50 a. m.),⁸ it might be very effective in meeting present acute situation. A separate report⁸ is being submitted on this subject.

3. President Arias and Foreign Minister are convinced that most effective issue politically and in fact key to insuring success of policy is road construction. Embassy believes that this estimate is correct and that we would not only conserve present gains but also deal Communist influenced groups crippling blow if we could find means inaugurate road construction in some form by October. The approval

⁵ For text, see Department of State Executive Agreement Series (EAS) No. 452, or 59 Stat. (pt. 2) 1289. For pertinent documentation, see *Foreign Relations*, 1942, vol. VI, pp. 577 ff.

⁶ Not printed.

⁷ Documents in file 919.512 for 1950 indicate that Department of State officials had obtained approval in principle for this project from the Department of the Army by September. However, necessary draft enabling legislation, drawn up in the office of the Governor of the Panama Canal (General Francis Newcomer), had not cleared the Defense Department by the end of the year.

⁸ Documents concerning the abaca program are in files 813.2327 and 819.2327 for 1950.

by Congress of the Inter-American Highway Project would, of course, accomplish this purpose but it would also give rise problem as to how Panama with its unemployment and fiscal stringency can take full advantage of opportunity.⁹

4. Panamanian Government modified under date of January 16, 1950 its request of July 11 that US substitute road construction for the tunnel or bridge at Balboa. New request is to effect that in exchange for the obligation under paragraph 4 of the General Relations Agreement funds to extent of cost of tunnel or bridge be made available for construction of highways or other public works, amount to be determined by mutual agreement on basis of estimates each government. The President attaches great importance to this matter as evidenced by fact it was only specific project he mentioned to Assistant Secretary Miller in their meeting on February 18.¹⁰ Foreign Minister explained orally apropos the request that Panamanian Government does not wish settlement in cash but prefers amount be applied approved project to be carried out by Public Roads Administration or other agency US Government. He repeated desire keep funds out of Panamanian politics when Assistant Secretary Miller was here, and both he and President expressed hope favorable action could be taken on this request so that some road construction work could take place irrespective of whether Inter-American Highway legislation is approved or not. In circumstances it would be very disappointing to Panamanian Government to be informed contents paragraphs 3 and 4 of Department instruction 17 of January 30,¹¹ particularly just after National Assembly has approved claims convention. In view renewal and modification of this request, which was discussed with Assistant Secretary Miller, Thomas Mann and Ivan White at Habana,¹² it is believed further consideration will have to be given Panamanian request. Mail report follows but in meantime Embassy recommends proposed legislation on bridge or tunnel commitment be prepared as soon as practicable and that in presenting it, Congress be informed of Panamanian request that this commitment be discharged by substitut-

⁹ Public Law 769, approved September 7, 1950, authorized \$4 million for fiscal 1951 and an equal amount for fiscal 1952 towards completion of the Inter-American Highway. For text, see 64 Stat. 785. However, the first appropriation of \$4 million under Public Law 911 was not approved until January 6, 1951; for text see 64 Stat. 1223. Allocations of the participating countries' shares were made subsequent to approval of the appropriation.

¹⁰ Edward G. Miller, Jr., Assistant Secretary of State for Inter-American Affairs, was then in Panama.

¹¹ Drafted January 23. In it the Department had indicated in part that it could not predict when or whether the Congress would authorize or appropriate Inter-American Highway funds which had been included in the President's budget request. (See footnote 9 above.) In the mentioned paragraphs the Department had added that it had no proposals to offer regarding possible financial assistance for road construction in Panama, did not wish to substitute any new road-building commitment for any existing obligation under the General Relations Agreement of 1942, and did not wish to offer to the Panamanian Government at that time any encouragement that it might obtain concrete assistance from the United States for a large-scale road building program. (819.2612/1-3050)

¹² Presumably during the Regional Conference of U.S. Chiefs of Mission in Central America and the Caribbean, held in Habana January 18-20, 1950.

ing road construction by US Government at a cost equivalent to that estimated for carrying out original commitment.¹³

DAVIS

¹³ In the course of a conversation held May 15 with Ambassador Rodolfo Herbruger of Panama, Mr. Miller indicated that Congressional authorization and appropriation would be necessary before the United States could meet its commitment under the General Relations Agreement to build a tunnel under or a bridge over the Panama Canal and that, in view of the heavy schedule before the Congress, the Department had decided to concentrate its efforts on securing approval of Inter-American Highway authorization and appropriations. "In response to a question (rather diffidently raised) by the Ambassador as to the possibility of road construction by the United States in lieu of the bridge commitment, Mr. Miller expressed the view that we should all keep in mind that the commitment involves a tunnel or a bridge and makes no mention of other projects. He said that there is no disposition on the part of this Government to avoid the commitment but that, unfortunately, we find ourselves in a position at the present time in which we are not able to implement it." (memorandum by W. Tapley Bennett, Jr., Officer in Charge of Central America and Panama Affairs, 911F.5301/5-1550)

811F.06/6-650

The Secretary of Defense (Johnson) to the Secretary of State

CONFIDENTIAL

WASHINGTON, 6 June 1950.

MY DEAR MR. SECRETARY: Reference is made to your letter of 17 January 1950¹ and the enclosed memorandum² setting forth the view of the Department of State on the obligations of the United States with respect to equality of employment opportunity and treatment of citizens of the Republic of Panama under the accessory note to the 1936 Treaty of Friendship and Cooperation with Panama.³

Two broad questions are covered by the memorandum which accompanied your letter, namely: (1) The applicability of the note (i.e., whether it is limited to the Panama Canal and the Panama Railroad Company or applies also to other United States agencies operating in the Canal Zone); and (2) The obligation of the United States under the note.

With respect to the first of these questions, it appears to be the conclusion of the Department of State that the note applies to the three military departments in the Canal Zone, despite its specific reference (in two places) only to the Panama Canal and the Panama Railroad Company. I believe that this conclusion should be the subject of further discussion between the Department of State and the Department of Defense, in view of what appears to me to be the clear and unequivocal language of the note itself.

I recognize that, in order to minimize friction between the United

¹ For text, see *Foreign Relations*, 1949, vol. II, p. 744.

² Not printed, but see footnote 2 to the document cited in the preceding footnote.

³ For the General Treaty of Friendship and Cooperation, together with ancillary notes, see Department of State Treaty Series (TS) No. 945, or 53 Stat. (pt. 3) 1807. For pertinent documents, see *Foreign Relations*, 1935, vol. IV, pp. 889 ff.

States and Panama and to achieve desirable coordination of employment practices within the Canal Zone it may be wise to consider extending to Panamanians employed by any agency of the United States in the Zone the privileges reserved by the treaty note to Panamanians employed by the Panama Canal and the Panama Railroad Company. However, it is one thing to take this step on a voluntary basis, as a friendly gesture on the part of the United States and after we have an understanding as to just what our commitments are, and quite another thing to agree that the terms of this accessory note are legally binding upon all United States agencies in the Canal Zone, without more definite knowledge as to the effect of such a decision upon the operations of the three military departments in the Zone.

With respect to the second of the broad questions covered by the memorandum which accompanied your letter, I consider it important that there be a determination as to the extent of the commitments of the United States under this accessory note, in terms of specific problems. Until this is done, it seems to me that the United States lays itself open to unfounded charges that it fails to live up to its obligations to Panamanians under the Treaty.

The State Department is, of course, the agency which should take the lead in making these determinations. This should not, however, be a unilateral undertaking. The Department of Defense, the Panama Canal, the Panama Railroad Company, and other interested Federal agencies (such as the Bureau of the Budget and the Civil Service Commission) must actively participate. It is a task which should be undertaken promptly, and I assure you the full cooperation of the Department of Defense.

At my request, the Personnel Policy Board of this Department undertook a study of some of the personnel and labor problems in the Canal Zone. It has presented a series of reports and recommendations on these problems. One of its reports is entitled "Note Accessory to 1936 Treaty." I consider this report to be a sound presentation on this subject and this letter is based upon the conclusions and recommendations stated in that report. A copy of the report is attached.⁴

I welcome the opportunity for close coordination with the Department of State in this important matter.⁵

Sincerely yours,

LOUIS JOHNSON

⁴ Attachment not printed.

⁵ The Departments of State and Defense did not resolve during 1950 their differing interpretations of the mentioned note.

With a memorandum of June 13, 1950, not printed, to Mr. Bernard Wiesman of the Office of the Legal Adviser, Mr. Mead Smith of the Bureau of Labor Statistics (in the Department of Labor) enclosed an undated "Report of the United States Government on Labor Conditions in the Canal Zone," not printed. (811F.06/6-1350) The report was prepared for the ILO by a committee which included representatives of the Departments of State, Army, Navy, Air Force, and Labor, the Office of the Secretary of Defense, and the Office of the Panama Canal.

611.19/7-750

Department of State Policy Statement

SECRET

[WASHINGTON,] July 7, 1950.

PANAMA

A. OBJECTIVES

The major objective of United States policy toward the Republic of Panama is to foster and maintain on the part of the Panamanian Government and people an attitude of friendship and cooperation with the United States, based upon mutual understanding and respect, in order to obtain Panamanian support for United States regional and world policies, to ensure maximum Panamanian collaboration in peace and war in matters pertaining to the operation and defense of the Panama Canal, and to encourage prompt and realistic settlement of disputes and problems arising between United States and Panamanian interests. Since stable political institutions and a sound national economy make for more effective contribution to these goals, the United States has the additional objective of encouraging the development and maintenance of democratic political institutions and a prosperous economy in Panama.

B. POLICIES

US objectives toward Panama are complicated by qualities of ambivalence in the Panamanian character. On the one hand, Panamanians are historically disposed toward friendship and cooperation with the United States as a result of such important considerations as the prompt US recognition and protection of Panamanian independence and the great impetus given to Panamanian economic life through four and a half decades by Canal construction and operation and by US expenditures in the Canal Zone for defense purposes. On the other hand, the virtual dependence of Panamanian economic life on US activities in the Canal Zone and the inferiority complex inherently felt by a small, undeveloped country having close relations with a large and powerful state have developed in many Panamanians a highly nationalistic sensitivity and resentment toward the United States. Although the growth of nationalism is a world-wide phenomenon, and while Panamanians believe they have legitimate cause for complaint over certain aspects of Canal Zone labor policy, much of the Panamanian resentment against the US has been deliberately and artificially fostered in recent years by certain cynical elements in Panama for political advantage. These elements have often cooperated with and attempted to make use of communist and subversive ele-

ments, which, while not important numerically, have at times exercised an undue influence in Panamanian political life.

Actual People's Party (Communist) membership amounts to only seven or eight hundred persons in Panama. The Party, for instance, has never been able to collect enough signatures to register itself as a political entity to participate in national elections, although it has on occasion taken part in municipal elections in Panama City. Communist influence in Panama has resulted from their ability to play on the extreme nationalism of certain Panamanian groups such as the university students and an organization known as the Patriotic Youth Front. The Communists have on occasion, as at the time of the rejection by the Panamanian National Assembly in 1947 of the United States-Panama Defense Sites Agreement, served their own ends through manipulation of this nationalistic spirit. They have also on occasion been able to work very effectively with political opposition leaders and groups whose overriding aim was the downfall of the Panamanian administration in power, regardless of the cost to the real interests to the country. In recent months, however, there has been a growing realization among Panamanians of the true nature of communism, and the present administration has outlawed its activities as an organized group.¹

The United States seeks to strengthen the pro-US elements in Panama as opposed to those who seek to discredit this Government. We try to win Panamanian friendship and cooperation on the broadest possible base. To this end we endeavor to reduce the causes of friction through such policies as strict respect for the juridical equality of Panama with the US, non-intervention in the internal affairs of that Republic, alertness to Panama's legitimate interests in our day-to-day relations, improvement of labor practices in the Canal Zone and the extension of technical and economic assistance with the aim of helping Panamanian political and economic development. We lend our support to all those influences which have worked toward convincing Panamanians of the identity of their interests and those of the United States and of the potential danger from lack of practical cooperation in defense preparations. Our policy is to cooperate with the administration of President Arnulfo Arias on a practical basis for the mutual benefit of our two countries but to maintain an attitude of caution in the light of Arias' fascist proclivities in the pre-war period, the manner of his return to power by a police coup, and his known personal

¹ In despatch No. 441 from Panama, May 18, 1950, Ambassador Davis had stated in part: "It is believed that President Arias proclaimed this ban against Communist activity with a three-fold purpose in mind: To have at hand a weapon with which to suppress rumored strikes and demonstrations against the Government by the Communists, students or other groups; to regain the good graces of the Church which he has recently antagonized to the detriment of his standing with the people; and to impress the United States with his good intentions." (819.06/5-1850)

instability. At the present he seems firmly on our side; although some of the less savory aspects of his domestic administration of 1941 are reappearing, Arias has sought to leave no doubt that internationally Panama is a convinced ally of the US in the world struggle.

Cooperation of the Defense Department is especially important in our policies toward Panama, since the practical action in many situations must be taken by US officials in the Canal Zone. Greater Congressional cooperation and understanding of the unique relationship we have with Panama is also a goal of our policy.

Since the rejection of the Defense Sites Agreement by the National Assembly of Panama in 1947 and the withdrawal of US troops from all bases in Panama outside the Canal Zone,² this Government has relied on the provisions of Articles II and X of the 1936 General Treaty with Panama to meet defense needs which might arise from a sudden emergency. The Department of Defense has requested the Department to take no affirmative action on negotiations with Panama for defense sites without further indications as to need from that Department.

Those groups in Panama opposed to cooperation and friendship with the United States assert, in contravention of clearly stated treaty provisions, that the 1903 grant to the US of jurisdiction over the Canal Zone is limited to matters pertaining directly to the operation and defense of the Canal and that Panama retains jurisdiction in all other matters respecting the Zone. As a result of the repetition of these assertions and their wide influence on Panamanian thinking, the Government of Panama has repeatedly attempted encroachments on US treaty and concessionary rights. Some of the more recent of these include demands for Panamanian consular documentation for foreign flag ships clearing for Canal Zone ports, claims of jurisdictional right to try persons accused of crimes committed in the Canal Zone and assertions of jurisdiction over Zone labor and to the airspace over the Zone.

To counter these pretensions, the United States has a well-developed policy. One phase of the policy consists of rejecting, by means of official communications to the Panamanian Government, Panamanian claims to jurisdiction in the Zone. At the same time we engage in direct efforts to inspire greater popular confidence in the United States on the part of Panamanians and a broader understanding by them of our aims and objectives. In line with these efforts we encourage frank, friendly and cooperative discussions of mutual problems; we have launched a vigorous speaking and information program designed

² For documentation, see *Foreign Relations*, 1946, vol. xi, pp. 1095 ff., *ibid.*, 1947, vol. viii, pp. 881 ff., and *ibid.*, 1948, vol. ix, pp. 664 ff. For later discussion of the issue, see *ibid.*, 1949, vol. ii, pp. 701 ff.

to win over Panamanian public opinion; and we are now reviewing all pending commitments of this Government to Panama involving economic assistance with a view to their fulfillment as soon as possible and their removal as sources of contention.

An official US survey of labor conditions in the Canal Zone made in 1947 through inter-Departmental agreement resulted in findings that US employment practices in the Canal Zone not only admitted racial discrimination but were in certain instances at variance with announced US policy to maintain equality of opportunity and treatment in employment of Panamanians in the Zone. These labor practices have not only been detrimental to our relations with Panama; they have embarrassed us at various international conferences and in our broader relations with Latin American labor. Improvements have been made in the situation since 1947, but progress is admittedly, and perhaps necessarily, slow. Our policy is to urge and support policies in the Canal Zone in accord with the letter and the spirit of our treaty obligations.

The economy of Panama is closely geared to that of the Canal Zone and to world trade. Its economic cycles are at present the result of outside forces largely beyond its control. This inherent weakness in the national economy can only be corrected through the development of Panama's own resources and the diversification of its economy, with major emphasis on its agricultural potential in the interior provinces. In the belief that the strengthening of Panama's economy will contribute to political stability our policy is to aid Panamanian agricultural development. In this connection, we are extending technical and monetary assistance in the fields of agriculture, animal husbandry, education, transportation, highway construction, and aviation.³ In addition, we endeavor to avoid unfair competition with Panamanian commerce by Canal Zone commissaries and post exchanges, and we seek to enlarge Zone purchases of Panamanian products.

We favor strongly the participation by American private capital in the development of the resources and economy of Panama. The Panamanian attitude toward US investment is in general friendly, and by the Constitution of 1946 American businessmen are in a position of economic equality with Panamanians. However, we seek to discourage private restrictive business practices by merchants combining to maintain high prices at the expense of the public in Panama and the Canal Zone. This is in line with commitments undertaken by Panama in Chapter V of the Habana charter of the ITO.

Public safety and the security of the Canal prompt us to close cooperation with Panama in the field of civil and military aviation.

³For the Point Four General Agreement between the United States and Panama, signed at Panama City, December 30, 1950, see 1 UST 899.

As a result of a civilian aviation agreement in 1949,⁴ US-certificated carriers serve the Canal Zone through Panama's new Tocumen airport. In accord with the terms of that agreement, we assist Panama by supplying Tocumen with a communications cable essential to operations and with the services of a technical mission. At the request of the Government of Panama, air traffic control in the entire Panama area continues in the hands of the United States until Panama has the facilities and trained personnel for assuring this control.

With over 800 vessels now registered under the Panamanian flag, Panama has the fourth largest merchant marine in the world. Most of it is foreign-owned, much of it by United States citizens. We do not oppose additional transfers of US-owned vessels to Panama registry, but stress that vessels thus transferred cannot be accorded the protection given to US flag vessels. The International Transport Workers Federation, alleging substandard labor and safety conditions on many Panamanian ships, recently launched a "world-wide" boycott of Panamanian flag vessels. We regard this as a dispute between the unions and Panamanian flag shipping interests in which this Government should not become involved.

C. RELATIONS WITH OTHER STATES

Panama attaches great importance to the United Nations and was an original signatory of the Charter. Panama plays a full role in the Inter-American system and has signed and ratified more Inter-American treaties and conventions than any other Latin American country. Although pursuing a more independent course than some of the other small Latin American states, Panama recognizes the identity of its world interests with ours and usually collaborates closely with us in international organizations.

Panama enjoys normal diplomatic relations with the other American republics and with most of the major western powers. Some special emphasis has been placed by the Panamanian Government on relations with Ecuador, Colombia, and Venezuela, on the basis of the original participation of all four in the former state of "Gran Colombia". These relationships, however, as well as other Panamanian international relationships, are subordinated to the close relationship with the US.

Panama in early 1950 withdrew its recognition of the Spanish Republican "government in exile" but has not recognized the Franco regime. The Panamanian Government does not have diplomatic rela-

⁴For text of the Air Transport Agreement signed at Panama, March 31, 1949, and texts of additional agreements effected that same day by an exchange of notes, see TIAS No. 1932, or 63 Stat. (pt. 3) 2450 (for the Air Transport Agreement), 63 Stat. (pt. 3) 2471 (for the Agreement Relating to a Communications Cable), and 63 Stat. (pt. 3) 2478 (for the Agreement Relating to a Civil Air Mission).

tions with the USSR, and there is no USSR trade group or other satellite representation in Panama.

D. POLICY EVALUATION

Despite some instances of uncooperativeness based on nationalism and resentment in Panama, the close historical relationship with Panama and our deliberate policies can be fairly stated to have brought about fundamental cooperation. This was demonstrated during two world wars and is being demonstrated today by the Panamanian Government's support for the world policies of the US, by the generally fair treatment being accorded American interests in Panama, and by the cooperation shown by Panama in most matters pertaining to the Canal.

A number of concrete actions in the past year testify to the extent to which our policies have been successful in restoring relations with Panama to a plane of friendly cooperation since the low point at the time of Panama's rejection of the Defense Sites Agreement in December 1947. In March 1949, a bilateral air transport agreement was signed with Panama, which brought about the transfer in September 1949 of commercial aviation activities from Albrook Field in the Canal Zone to Panama's Tocumen Airport. The Canal Zone is thus now served through Panama. This arrangement has proved satisfactory to all concerned. In January 1950, Panama signed a claims convention with the United States in settlement of a number of long-pending claims between the two countries, some of which dated from 1906. A third convention, effecting certain boundary readjustments between Panama and the Canal Zone, was signed in May 1950.⁵ In the same month, an exchange of notes between the two governments amended the 1904 Monetary Agreement to permit Panama to pay her contribution to the International Monetary Fund out of the parity fund maintained in the United States under the 1904 Agreement. We have indicated to Panama that if the latter desired to refund its foreign debt the US would have no objection to the pledging of the Canal annuity as security for a new loan provided that the refunding plan assures full protection to the holders of the present external debt of Panama to which the annuity is presently pledged.

These actions represent tangible achievements in our relations with Panama and attest the spirit of cooperation now existing between our two countries. The Embassy's intensive speaking and information program has contributed materially to this improvement in relations. Our technical and other economic assistance has resulted in significant progress in certain phases of the national economy toward increased

⁵ For the Colón Corridor Convention signed at Panama, May 24, 1950, see TIAS No. 3180, or 6 UST 461.

development and consequently greater stability. This progress is particularly apparent in the field of agriculture and animal husbandry.

Despite the generally satisfactory state of our relations with Panama, certain causes of friction continue to exist. In particular, problems relating to jurisdiction take various forms. Labor problems in the Canal Zone and others specifically mentioned above remain only partially solved.

Editorial Note

On September 14, 1950, the United States and Panama signed a Highway Convention at Panama City. Under its terms the United States undertook to maintain the Boyd-Roosevelt (Trans-Isthmian) Highway, while Panama granted to the U.S. armed forces the free and unimpeded use without cost of all public roads within Panamanian jurisdiction. Ratifications were exchanged April 11, 1955, and the Convention entered in force that day. For text, see 6 UST 480.

The two countries on September 14, 1950, also exchanged notes constituting a *modus vivendi* agreement on highways. By this agreement, which took force immediately, the signatories terminated "Point 5" of the General Relations Agreement of 1942 and provided for the maintenance of the Boyd-Roosevelt Highway for 3 years or until the Highway Convention should enter in force. Text is printed in 3 UST (pt. 2) 2970.

Documents concerning negotiation of these two instruments are in files 611.1913, 819.2612, and 819.2614 for 1950.

Editorial Note

An exchange of letters dated December 7 and December 12, 1950, between the Governor of the Panama Canal Zone and Dr. Carlos Brin, Panamanian Minister of Foreign Affairs, constituted an agreement eliminating the need for vehicles to carry license plates of both the Canal Zone and Panama in order to operate throughout the Isthmus. After the agreement came into effect on January 1, 1951, a plate from either jurisdiction was valid in both. Texts of the two letters are enclosed with despatch 525 from Panama, January 10, 1951. (611.1913/1-1051)

In his letter of December 7, Governor Newcomer also mentioned that on November 15 a new Canal Zone regulation had taken effect. It allowed certain Panamanian vehicles to transit the Canal Zone by designated routes without undergoing the inspection which had previously been required by Zone authorities.

Documents in files 611.19 and 611.1913 for 1950 indicate that in June of 1950 the newspaper *La Hora* initiated public agitation for a corridor, under Panamanian jurisdiction, across the Canal Zone on the Pacific side of the Isthmus. These papers indicate as well that the public campaign stimulated negotiations which resulted in the two changes mentioned above.

PERU

POLITICAL AND ECONOMIC RELATIONS OF THE UNITED STATES
AND PERU¹

823.2553/1-1650 : Telegram

The Ambassador in Peru (Tittmann) to the Secretary of State

CONFIDENTIAL

LIMA, January 19, 1950—5 p. m.

28. Despatch 75 January 16.² Petroleum Attaché³ evaluates situation as follows: (1) Pending oil legislation appears at point where evidence of interest by US Government may be sufficient obtain decree law.

(2) Private companies have done all they can and it would be unfortunate if their interest were allowed to wane.

(3) If project introduced in future Congress as mere draft legislation it may suffer long delays and changes unfavorable to entrance of foreign capital.

(4) If present draft is issued as decree law now reasonably certain that companies would initiate work preparatory to exploration drilling and actually commence such drilling after ratification by Congress.

(5) In view of great strategic importance to US of Peruvian petroleum development Petroleum Attaché strongly and urgently recommends I approach government.

Although I can make no predictions as to success of approach since question so highly political I am prepared to see Admiral Saldias⁴ or President⁵ or both to point out benefits to Peru on balance of payments necessity new reserves Peru's own interest and common hemisphere defense advantages accruing from present issuance of decree law.

¹ Continued from *Foreign Relations*, 1949, vol. II, pp. 764-779.

² In this despatch Mr. Levangie had reported in part on his interview held January 11 with Lt. Col. José del Carmen Cabreho, Minister of Development and Public Works. Mr. Levangie had made representations to Minister Cabreho along the lines of points (3) and (4) of telegram 28; additionally, he had pointed out in part that Congress (when convened) would probably ratify a previously promulgated decree-law without serious debate, in contrast to its anticipated performance in the situation outlined in point (3). However, if it were certain that the legislation was to be submitted to Congress, interested oil companies should be so informed without delay. At the request of Colonel Cabreho, Mr. Levangie left with him on January 12 an unsigned memorandum covering the points made verbally the day before. (823.2553/1-1650)

³ George W. Levangie was Petroleum Attaché of the Embassies in Peru, Chile, Bolivia, and Ecuador.

⁴ Rear Adm. Roque A. Saldias, Minister of Marine.

⁵ Gen. Manuel A. Odría, President of the Military Board of Government.

Department's guidance requested soonest.

TITMANN

823.2553/1-1650

Memorandum by the Director of the Office of North and West Coast Affairs (Mills) to the Assistant Secretary of State for Inter-American Affairs (Miller)

CONFIDENTIAL

[WASHINGTON,] January 20, 1950.

Subject: Telegram to Lima on Petroleum Decree-Law

Lima's telegram 28 raises a fundamental moral question—should we, even if it is to our practical advantage, urge a *de facto* government to issue a decree-law when, for political reasons, it desires to postpone the question for congressional action?

Arguments in favor of this action:

(1) We desire to develop Peru's petroleum resources, both for strategic reasons and because of the effect petroleum development would have on Peru's economic development and balance of payments.

(2) The present draft law is considered highly favorable both by interested American oil companies and by our petroleum people. If it can be issued as a decree-law, and operations begin under its authority, it will probably receive the blanket approval of Congress along with the other decree-laws of the Junta. If on the other hand it is subjected to extensive debate in Congress, it will almost inevitably run into strong opposition from the coastal agriculturalists—who in 1946-47 were strong enough to prevent the approval of the Sechura contract.¹

Arguments against this action:

(1) We would be urging a *de facto* government to take action less constitutional than that it is proposing.

(2) It could conceivably—though I believe this unlikely—raise some doubts in the minds of the Junta members regarding our stand on the necessity of ratification of the Rio Treaty by the Peruvian Congress.

Recommendation:

On balance I believe an informal approach, avoiding the moral question which would very likely not occur to them, would not have

¹ In 1947 the Peruvian Congress had failed to approve a Government proposal to grant the International Petroleum Company, a subsidiary of Standard Oil Company of New Jersey, a concession to develop oil resources of the Sechura Desert.

undesirable repercussions and might achieve the desired result. A telegram is attached in draft.²

²Telegram 14 to Lima, January 23, was sent as drafted and read: "Informal approach along lines last para urtel 28 approved." (823.2553/1-1650) In a letter of January 30 to Mr. Mills, Ambassador Tittmann said in part that an approach to President Odría regarding the oil legislation would be delayed owing to the latter's illness. The Ambassador concluded:

"I intend to make my approach to Odría along the lines of hemisphere strategy rather than appearing to support the private oil interests. In any event I doubt if it would be seemly for an American Ambassador to insist that the petroleum law be promulgated before Congress assembles as such insistence might give the impression that we did not trust the institution of the legislature. Which might not be so good even if true." (823.2553/1-3050)

Editorial Note

In 1950 the Department continued efforts to reach a basis for negotiating a settlement of Peru's lend-lease debt. In a conversation held February 1, 1950, with Ambassador Fernando Berckmeyer and other Peruvian officials, James C. Lobenstine of the Office of North and West Coast Affairs said in part that because Peru was already making serial dollar payments on certain other obligations to the United States Government, the United States would agree to a payment period of up to 7 years. Payments could begin as late as 1953. However, the United States could not discuss any further reduction in the total amount due. (Memorandum of conversation by James C. Lobenstine, February 1, 1950, 723.56/2-150; memorandum by Francis T. Murphy, Chief of the Lend-Lease and Surplus Property Staff, to Sheldon T. Mills, Director of the Office of North and West Coast Affairs, February 1, 723.56/2-150) In a note of June 23, 1950, to the Peruvian Embassy, the Department stated in part that as a result of negotiations commenced in March 1948 it was awaiting receipt from the Embassy of a Peruvian settlement proposal. It considered Peru to owe \$2,882,910.64 under the Peru-United States Lend-Lease Agreement of March 11, 1942, and another \$87,831.36 in "contingent" obligations. (723.56/6-2350) A Departmental note of August 15, 1951, also to the Peruvian Embassy, indicated in part that no reply had been received to the note of June 23, 1950. (723.56/5-2451)

823.2553/3-150

*Memorandum of Conversation, by the Petroleum Attaché of the
Embassy in Peru (Levangie)*

CONFIDENTIAL

[WASHINGTON,] March 1, 1950.

Subject: Peruvian Oil Legislation

Participants: Peruvian Ambassador Fernando Berckemeyer,
Messrs. James C. Lobenstine (NWC) and George
W. Levangie, Petroleum Attaché (ARA)

The meeting was arranged by Mr. Lobenstine for the afternoon of March 1, after Messrs. Mills, Lobenstine and Levangie had agreed that a frank explanation of the status of the Peruvian oil legislation to Ambassador Berckemeyer could be expected to reach General Odría, and might influence the latter toward issuing promptly the final draft of the legislation as a decree-law. The conversation was to be unofficial and the ideas put forward only were to be represented as an expression of Mr. Levangie's views and not those of the Department. High points of the discussion follow:

The Ambassador opened the conversation by stating to Mr. Lobenstine that Mr. Black,¹ of the International Bank, had agreed to recommend an expert who would be engaged to set up an office of technical people in Lima, which office would be expected to prepare reports and applications for loans for irrigation, agriculture, etc., and to answer any of the Bank's questions regarding such loan applications.

Turning to the subject of oil, the Ambassador gave an opening by stating that Mr. Ralph Davies, of the American Independent Oil Company, had recently asked him for information on, and shown interest in, the Peruvian oil situation. This led to general conversation between the Ambassador and the visitors on the pending oil legislation.

Mr. Levangie briefly viewed the history of legislation since 1945 and 1946, and pointed out how the Peruvians had lost an excellent opportunity in 1946 to break the exploration impasse. He stated that, if legislation is not enacted promptly, there is danger of the same thing occurring again. The Ambassador was reminded that the Conorada Oil Company² had arranged for geological and geophysical work to be done in the Sechura Desert, in anticipation of issuance of a satisfactory decree-law, but that the Conorada might not go through with this work if the legislation was not promulgated at an early date. The great probability of serious delay and unattractive changes in the proposed law, if the project is left to the next session of the Peruvian

¹ Eugene R. Black, President of the IBRD.

² A joint subsidiary of Continental Oil Company, Ohio Oil Company, and Amerada Petroleum Corporation.

Congress, was pointed out to the Ambassador. The Ambassador showed clear appreciation of the difficulties that could be expected to rise, and offered that, if a decree-law were now issued, the chances were decidedly in favor of its being passed at the coming session of Congress without major change.

The Ambassador, during the conversation, returned three times to the question of the actual cause of delay in the issuance of the decree-law. It was explained to him that the majority of the Military Junta and Peruvian officials in general were believed to fully approve of the project and of its prompt appearance as a decree-law, but that the political advisers of General Odría were counselling that he not risk offending opposition groups previous to his presidential campaign. The Ambassador offered that this opposition was the Miró Quesada³ group. At another point in the discussion, Mr. Levangie emphasized again that the question was one apparently entirely political, and that for the well-being of Peru, there should be no more delay. He mentioned that the oil companies had had interviews with Hector Boza, Pedro Beltrán,⁴ Augusto Gildemeister, and other influential persons, and that these appeared favorably disposed and had promised to talk to General Odría. The Ambassador stated that he knew that Beltrán was in favor of immediate legislation.

The Ambassador asked if the views being expressed by the Petroleum Attaché had been stated in the same frank way to General Odría—the idea apparently being that General Odría would have been impressed. He intimated that this still might be done. It was explained to him that Ambassador Tittmann had recently called on General Odría and had had a brief discussion as to the pending oil law, but that it was impossible for Ambassador Tittmann to go into the question fully and frankly, as this might have been interpreted as intervention in Peruvian affairs.⁵ It was pointed out that for the Petroleum Attaché to have accompanied Ambassador Tittmann on his visit to General Odría would have drawn the attention of the opposition to the fact that oil was being discussed at the Palace, and thus, possibly have created embarrassment.

Throughout the conversations, the Ambassador's interest was keen and he showed a good knowledge of Peru's oil difficulties. He seemed entirely agreeable to the ideas expressed and indicated his willingness to forward these to General Odría. Mr. Lobenstine is of the

³ Luis Miró Quesada Guerra, Director of the Lima newspaper, *El Comercio*.

⁴ Banker, cotton grower, and a leader of the Alianza Nacional.

⁵ In despatch 258 from Lima, February 20, 1950, Ambassador Tittmann reported in part that he had left with President Odría a memorandum (not printed) which urged promulgation of the petroleum decree-law with the least possible delay, on grounds that the Peruvian balance of payments would thereby be benefited and that discovery of new reserves would suit both Peruvian interests and the general needs of hemisphere defense. (823.2553/2-2050)

opinion that he will either write to General Odria or talk to him by telephone on the subject of the conversation.⁶

Mr. Levangie repeated several times during the conversations that the views being expressed were entirely his and should not be considered to represent those of the Department.⁷

⁶ No reference to relay of the substance of this conversation to President Odria has been found in Department of State files.

⁷ In August 1950 President Odria submitted draft petroleum legislation to the Peruvian Congress which had been elected the preceding June.

394.31/8-250

The Ambassador in Peru (Tittmann) to the Department of State

CONFIDENTIAL

LIMA, August 2, 1950.

No. 128

Ref: Instruction No. 14, July 20, 1950.

Subject: Peruvian Attitude Toward GATT Negotiations

1. The Department has indicated that it is perturbed over opposition developing in Peru toward accession to GATT and has sent the instruction referred to above and airgrams No. 15, July 18 and No. 22, July 26, 1950,¹ containing its views on a number of aspects of the problem, with authorization to convey to the appropriate Peruvian authorities as much of these views as the Embassy deems appropriate.

2. There is enclosed herewith a copy of a letter from the Commercial Attaché to Dr. Jorge Guerinoni, Director-General of Commerce, in which all the Department's views are set forth in informal, non-technical language, except for the Department's statement at the beginning of A-15 of July 18, 1950 that if Peru withdraws from Torquay² it might seriously prejudice Peru's chances of ever being accepted as a GATT member. Such a statement, even in a friendly, personal letter would be deemed to be a threat and would have been counter-productive. Comment on discontinuance of bonus payments to customs employees based on customs receipts has also been eliminated, but for other reasons.

3. The Embassy predicts that Peru will send a delegation to Torquay, particularly in view of the recent appointment of Finance Minister Ingeniero Andrés Dasso, who is a broad-minded, well-educated and friendly individual. The Peruvian delegation will have to be carefully handled, although it is believed that it will not become a leader in any opposition that may develop at Torquay. The Department will

¹ None printed.

² Documentation regarding the Third Round of Tariff Negotiations under GATT and the Fifth Session of the Contracting Parties to GATT is scheduled for publication in volume I. Both convened at Torquay, England: the Tariff Negotiations on September 28, 1950, and the Contracting Parties on November 2, 1950.

be informed of the composition of the Peruvian delegation, when such information becomes available, and of its itinerary.

4. The Embassy's views on the need for a Peruvian Customs Court, requested in instruction No. 14 of July 20, 1950, appear in Section II, paragraph 5 of the enclosed letter to Dr. Guerinoni.

For the Ambassador:
HARRY R. TURKEL
Commercial Attaché

[Enclosure]

The Commercial Attaché (Turkel) to the Peruvian Director General of Commerce, Ministry of Finance and Commerce (Guerinoni)

LIMA, August 2, 1950.

DEAR GEORGE: Inasmuch as I shall be leaving Peru on August 15 for a temporary assignment with the United States Delegation to the United Nations General Assembly, which will probably last for the balance of the year, I think it appropriate to review the present status of our commercial policy problems, set forth my views on the GATT negotiations at Torquay next month, and indicate the direction that I hope our commercial relations will take after Torquay.

I

IMMEDIATE PROBLEMS

1. While we have made very considerable progress in recent months in the solution of both major and minor commercial policy problems between our two countries, I feel that the *liquidation of commercial arrears* within a period less than the four-year maximum provided for in Decree-Law 11448 of July 14, 1950 is essential. I feel that it is entirely reasonable to request the payment of the dollar arrears of approximately \$5,783,000 in ten monthly payments. It would take about 47,000,000 soles to clean up these arrears in all currencies, and it is my personal belief that it should be done out of the profits of the revaluation of the reserves. If the payment is not made out of these profits it will require budgetary authorization, and the budget for next year will be drawn up very soon. Accordingly, the problem requires immediate attention.³

2. In connection with the *discriminatory features of present Peruvian import prohibitions*, I know that you are working hard to enlarge the permitted list of imports and thereby remove as many of the dis-

³ In despatch 175 from Lima, August 14, 1950, the Embassy reported in part that on August 12 Mr. Turkel had told Minister Dasso that the arrears should be liquidated within 10 months at most. (411.2331/8-1450) The Peruvian Government, however, did not modify during 1950 the payments schedule envisioned in Decree-Law 11448.

criminations against American commerce as practicable.⁴ I hope you will not take it amiss that I suggest that you take up with the Minister of Finance the following two additional arguments:

(1) The low quotation of the sol in relation to the dollar has very adversely affected customs revenues, and

(2) In the light of the disturbed international situation, supplies of certain items, particularly replacement parts, should be permitted entry quickly.

In short, in Peru's own interest there should be gradual but prompt relaxation of import prohibitions. Insofar as these changes may affect the exchange rate, I am very sure that we prefer immediate payment of commercial arrears to relaxation of prohibitions.⁵

[Here follows mention of several commercial claims cases.]

4. Since the Klein Mission⁶ *Customs Report* has recently been published and has certain commercial policy recommendations, I should like to make some observations on that report. In general, it is an excellent report and should contribute toward more efficient and equitable operation of your Customs Service. I believe that the unification of the several extra-duty import charges (adicionales) under Decree-Law No. 11424 of July 10, 1950 and regulations pursuant thereto are wise and completely fair to American interests. We are now finishing a report to the Department on this subject. Obviously, we are pleased with the recommendation to terminate discriminatory import prohibitions as rapidly as possible. The long-term objective of removal of export taxes is also highly commendable.

5. There is one feature of the Klein Mission report of which I feel sure that we would not approve: the recommendations for upward revision of Peruvian tariff rates. You know that our whole commercial policy is dedicated to the lowering of barriers to international trade, our own barriers included. Specifically it would be contrary to the rules for GATT negotiations—GATT/CP/36 of September 30, 1949 which provides that as a general rule the basis of negotiations shall be the rates in effect November 15, 1949. You can find the full text in Section III, 3. However, we are not doctrinaire about the matter. I told you in our exploratory discussions for the revision of the Trade Agreement⁷ that we would accept increased rates of duty to compensate for the depreciation in the exchange value of the sol

⁴ One of the regulations then in effect that the U.S. Government considered discriminatory was a requirement prohibiting import of certain goods from hard currency areas.

⁵ A Peruvian Government Supreme Resolution of November 22 began and another of January 30, 1951, completed the removal of prohibitions against imports from hard currency countries.

⁶ Information on the Klein Mission may be found in the editorial note under date of November 27, 1950, p. 996.

⁷ For text of the Peru-United States Trade Agreement signed at Washington May 7, 1942, see Department of State Executive Agreement Series (EAS) No. 256, or 56 Stat. (pt. 2) 1509.

since 1942. My Government has agreed in principle to the revision of the rates specified in Schedule I of the Trade Agreement, and I am absolutely certain that it will maintain that position, but I am also sure that in its view the adjusted rates to be mutually agreed upon would not necessarily be as high as, and in no case would exceed, the rates for the same items published in the 1949 Peruvian Customs Tariff. I know how many domestic pressures there are upon you, particularly from the textile people, to exceed the rates in the 1949 Tariff, and this brings me to the second major subject.

II

PERUVIAN PARTICIPATION IN GATT⁸

1. You have, on several occasions, raised the very basic question: How much does Peru stand to gain by going to GATT? I shall not mention the good will and other intangible benefits accruing from participation from a very successful and growing program for the reduction in barriers to world trade. Let me refer to changes in United States import duties resulting from termination of the Mexican Trade Agreement to take effect December 31, 1950. Did you know that as a result of this action, the United States duty on Peruvian lead ore will go up from $\frac{3}{4}$ cents per pound to $1\frac{1}{2}$ cents per pound, and the duty on lead bullion from $1\frac{1}{16}$ to $2\frac{1}{8}$ cents per pound. Last year the United States imported nearly 70 million pounds of lead bullion from Peru on which I estimate \$740,000 of duty was paid. The increase on this one item as a result of the Mexican agreement termination would total an equal amount. I do not mean to imply that by going to Torquay, you will necessarily obtain for Peru a guarantee of $1\frac{1}{16}$ cents per pound on lead bullion, but I do believe that if you are not there, your country's interest will not be protected.

2. In previous discussions, Alejandro Bussalleu once said he thought we promised Mexico a brief most-favored-nation exchange of notes following the termination of the present Trade Agreement. I have checked with the Department and have found that this is simply not so. We have taken the same position with Colombia and I assume that if the United States-Peruvian Trade Agreement were terminated, we would take the same position here.

You, of course, know the provisions of the Trade Agreement Act⁹ ever since 1934 which require the United States to generalize tariff concessions. You also know that it is our policy to accord most-favored-

⁸ In a memorandum of July 24, 1950, to Mr. William P. Hughes, Executive Director of the Bureau of Inter-American Affairs, Mr. Carl D. Corse, Chief of the Commercial Policy Staff, said in part that the importance of the successful conclusion of negotiations with Peru at Torquay was emphasized by developments indicative of retrogression in U.S. trade and commercial policy relationships with Colombia, Mexico, and Cuba. (394.31/7-2450)

⁹ Approved June 12, 1934; 48 Stat. 943.

nation treatment to all countries as a basic feature of United States commercial policy. But I think Peru would be taking a long chance in basing her plans on our indefinite continuation of that policy. One of the straws in the wind is the fact that recently the drafts of treaties of friendship, commerce, and navigation presented to other countries contain a provision that the most-favored-nation provisions of the treaty do not apply to special advantages accorded by virtue of GATT. I do not claim to be able to interpret future policy, but I don't see how my Government can long continue to accord freely the benefits of GATT to non-members when the members have to make certain sacrifices to join that organization.¹⁰

3. Alejandro mentioned the possibility that your Preparatory Commission is thinking about refraining from adopting a most-favored-nation policy so far as consistent with GATT. In response to his request, I inquired of the Department whether Article IV of the Habana Protocol¹¹ modifying GATT is in force. I learned officially that it is in force, but was designed to cover certain basic political and legal difficulties such as the Indian policy of not concluding agreements with South Africa and the legal prohibition in the United States against concluding a Trade Agreement with the Philippines. Personally, I doubt very much whether other countries will agree to wholesale invocation of this Article by Peru, and I don't think you should try to, because you will need a two-thirds vote of the Contracting Parties at Torquay to approve the accession by Peru.

4. I know that you have a serious problem in connection with the number of countries at Torquay with whom you will have to negotiate, and the scope of those negotiations, particularly in view of your limited experienced personnel for negotiations. However, I should emphasize that both at Geneva¹² and Annecy¹³ the principle was widely recognized that participants should enter into negotiations with as many countries as there is a reasonable trade basis for negotiations. This principle makes sense: the participating countries count heavily on indirect benefits they get and naturally they want all other participants to negotiate as widely as possible.

¹⁰ In despatch 159 from Lima, August 10, 1950, Charles Bridgett, Acting Commercial Attaché, stated in part that a possible modification of the U.S. policy of extending GATT concessions to nonmembers was among the most important factors in Peru's "... present intention ..." to join GATT. 394.31/8-1050

¹¹ A protocol modifying certain provisions of the GATT (dated at Habana March 24, 1948) entered into force for the United States on April 15, 1948. For text, see TIAS No. 1763 or 62 Stat. (pt. 2) 1992. For documentation on the 1948 Habana Meeting of GATT (the Second Session of the Contracting Parties) see *Foreign Relations*, 1948, vol. I, Part 2, pp. 802 ff.

¹² The Fourth Session of the Contracting Parties to GATT was held at Geneva, from February 23 to April 4, 1950. Documentation is scheduled for publication in volume I.

¹³ For documentation regarding the Second Round of Tariff Negotiations under GATT and the Third Session of the Contracting Parties to GATT (both held at Annecy, France, from April 8 to August 26, 1949), see *Foreign Relations*, 1949, vol. I, pp. 651 ff.

5. I want to advise you in advance that I am going to ask my Government to put great stress on obtaining a commitment from Peru at Torquay to establish a customs court for the review and correction of administrative decisions in customs matters. I do not believe your Cuerpo Consultivo is such a body. Right now the relations between your office and mine are excellent. We have cleared up a very substantial number of prior problems and have adequate authority to handle some classes of future problems. However, with changes of personnel in years to come I don't know what the situation will be, and therefore will feel much safer with a regularly established Peruvian customs court which will solve problems before they become matters between our two Governments.

[Here follows mention of possible American delegates to the Torquay tariff negotiations.]

III

POST-GATT PROGRAM

1. Assuming that you are going¹⁴ and that Peru will accede to GATT, I think I should like to sketch out the broad outlines of a program of work after third GATT. We should embark on negotiations looking toward the conclusion of a treaty of friendship, commerce and navigation and a convention for the avoidance of double income taxation and exchange of information in income tax matters. It fits in beautifully with President Odría's economic policy; it will considerably improve the investment climate in Peru and, I believe, it will be a potent factor in stimulating a current of investment capital to Peru. With the ratification of the new Mining Code,¹⁵ the issuance of the Petroleum Law and the treaty and convention above mentioned, I am sure that we will not only see large investments in Peru for production from new sources of wealth, but we can produce a shining example of what can be done by international cooperation and private initiative.

With cordial greetings, best wishes for Torquay, and a big "abrazo", I am

Faithfully yours,

HARRY R. TURKEL
Commercial Attaché

¹⁴ A Peruvian Delegation attended the tariff negotiations at Torquay.

¹⁵ A complete revision of Peru's mining code had been proclaimed in Law No. 11357 of May 12, 1950. According to despatch 115 from Lima, July 27, 1951 (not printed), many of the new law's provisions had been recommended by the Klein Mission. (823.00/7-2751)

723.00/9-2550 : Airgram

The Acting Secretary of State to the Embassy in Peru

CONFIDENTIAL

WASHINGTON, October 5, 1950.

A-88. The Department is somewhat disturbed by the contents of Embassy's despatch No. 326, September 25, 1950,¹ the recent "El Comercio" editorials, and the appearance of nationalists Lieut. Colonel Pando and Engineer Roberto Valverde before the Congressional oil committee—all indicating that the Peruvian oil bill now under discussion in Congress could result in a law unattractive to American oil companies. Assuming the Department's concern to be warranted, it would appear desirable that the dangers of making the law less attractive to private capital be fully appreciated before the opposition to the proposed legislation becomes consolidated and hence more difficult to overcome.

Officers of the Embassy may find the following points useful in tactfully encouraging a liberal law in discussion with appropriate Peruvian officials and influential citizens. The Ambassador may wish in his discretion to take up the matter informally with the President or appropriate Cabinet members.

The United States interest in the oil legislation could be based upon the desirability of developing additional oil supplies for hemisphere defense. A law radically changed from the bill now under study probably would prove unacceptable to foreign oil capital and thus delay development of this potential additional military oil. As an example, a reduction in the projected depletion allowance, which has proven so helpful in encouraging United States oil development might result in the Richmond and Conorada companies losing their present interest—to the disadvantage of Peru. This depletion feature is now under attack.

All Peruvian officials or citizens approached on the subject might be reminded of the great interest of the oil industry in Peruvian exploration in 1944, 45 and 46, and of how this interest evaporated owing to failure to enact a satisfactory law in 1946. Obviously, the considerable benefits to the Peruvian general economy from a revival of oil exploration could be a subject of conversation.

For the Embassy's information, the Department believes that a modest increase in the royalty rates fixed in the proposed legislation would not be discouraging to American oil capital, but it should be borne in mind that there are numerous taxes—substantial in aggregate—in addition to the royalties that would bear on developers of Peruvian oil.

¹ Not printed.

The Department would appreciate being kept closely informed on the progress of the legislative discussions on the bill.²

WEBB

² Major revision of Peru's petroleum legislation was not enacted until 1952.

723.00/11-2450

Memorandum by the Deputy Assistant Secretary for Inter-American Affairs (Mann) to the Officer in Charge of North and West Coast Affairs (Krieg)

[WASHINGTON,] November 24, 1950.

To summarize the tentative suggestions that I made day before yesterday concerning the Haya de la Torre controversy:¹

1. The US has an interest in bringing about a solution because a) we want tranquility in our own back yard at all times and especially now when we are engaged in military conflict in Korea; b) rightly or wrongly, Haya de la Torre personalizes for many people in the US and in Latin America the struggle in Latin America for *orderly* democratic growth and social justice and it would be lamentable if he were treated roughly by Peruvians because of what are essentially personal hatreds; c) the case will have importance throughout Latin America for the additional reason that it questions what has now become general Latin American practice in the right of asylum for political refugees.

2. It seems doubtful from the press accounts of the decision of the International Court that the Court will be able to bring about an acceptable solution.

3. Failing a judicial settlement, it seems unlikely that the OAS, which has very limited powers, has jurisdiction to deal with the issues of asylum. (Of course, it would have jurisdiction under the Rio Treaty² to prevent aggression if the controversy should deteriorate to that extent; but this would present different issues.)

¹ On November 20, the ICJ had given judgment in the Asylum Case, which Peru and Colombia had agreed on August 31, 1949, to submit to it. In two of its judgments the Court in effect held Sr. Victor Raúl Haya de la Torre ineligible for the asylum extended him on January 3, 1949, by the Colombian Embassy in Lima; the Court stated also that Peru was not obliged to grant him a safe conduct. However, the Court rejected a Peruvian contention that Sr. Haya de la Torre was a common criminal, and it did not state whether Colombia was obliged to surrender him to the Peruvian authorities. For a legal summary of the case, see Marjorie M. Whiteman, *Digest of International Law*, vol. 6 (Washington: Government Printing Office, 1968), pp. 473-488. For earlier information, see memorandum by Mr. Mills to Mr. Miller of December 20, 1949, *Foreign Relations*, 1949, vol. II, p. 772.

² For text of the Inter-American Treaty of Reciprocal Assistance, which entered into force for the United States on December 3, 1948, see Department of State Treaties and Other International Acts Series (TIAS) No. 1838, or 62 Stat. (pt. 2) 1681.

4. This leaves only the possibility of bi-lateral agreement between Peru and Colombia. We have possibly the best opportunity of inducing such an agreement although admittedly we are under these handicaps: *a*) The International Court, whose prestige we are bound to support, has made certain pronouncements. *b*) We refuse to admit the validity of the Latin American asylum doctrine.

5. We could not afford to propose a settlement which would place Haya in the hands of the Peruvians because of the risk that, regardless of what promises are made by the Peruvian Government, once the Peruvians got their hands on him violence would be done.

6. Possibly a solution which would save face on both sides would be an agreement between Colombia and Peru which would permit Haya's trial and conviction *in absentia* and his sentencing by Peruvian naval or civilian courts to a term equivalent to the length of time he has been deprived of his liberty in the Colombian Embassy; and the cancellation of the sentence by the "time already served". Peru would then give a safe conduct.³ Presumably the Colombians would agree. The Peruvians could be appealed to on the grounds that *a*) unity of the free world is more important in the fight against communism than is the punishment of any one individual, and *b*) the punishment of Haya would make him a martyr both in Peru and throughout the hemisphere which would not be good for Peru.

7. The approach to both governments should be made orally and informally to the sole end of getting the two countries to agree between themselves without any commitments of guaranty on our part.

8. We would have to be sure that there is no objection in principle to our proposing a trial *in absentia* under these circumstances and consideration should also be given to timing. Perhaps we could ask the Hague to discover whether a new opinion will be handed down very soon;⁴ if not, perhaps we had better proceed without delay. We should also be sure Peruvian procedure permits trials *in absentia* in cases of this kind.

T[HOMAS] C. M[ANN]

³ In telegram 148 to Lima, November 28, 1950, the Department in part set forth the proposal contained in the first two sentences of numbered paragraph 6 and asked the Embassy for comment, in advance of any mention of the suggestion to the Peruvian Government. (723.00/11-2850)

⁴ On November 20 Colombia had asked the Court for "interpretation" of its judgment of that day. The Court replied on November 27 that the clarifications requested were in actuality new questions it was not empowered to answer by the terms of the submission made to it by the parties. (Whiteman, *Digest*, vol. 6, p. 484)

Editorial Note

According to a memorandum by William L. Krieg, Officer in Charge of North and West Coast Affairs, of a conversation held in Washington on November 27, 1950, Ambassador Berckemeyer informed Mr. Miller in part that the contract of the Klein Mission with the Peruvian Government would be renewed until July 1951 and that the Mission would be specially charged with studying the revision of customs and budget procedure in Peru. In addition, Mr. Klein's Washington office was to advise the Peruvian Embassy on relations with the IBRD. (823.00A/11-2750)

The Department of State's Policy Statement for Peru of March 22, 1951, includes this statement regarding the Klein Mission: "Industrial development has been hindered by the conflicting interests of the controlling conservative groups, especially by the opposition of some of the large agriculturists. The Military Junta commendably determined to assess present problems and future development possibilities. In August 1949, it contracted for the services of a non-governmental group of United States technicians headed by Dr. Julius Klein [Assistant Secretary of Commerce, 1929-1933]. The Klein Mission studied and made recommendations on a wide variety of subjects, including monetary policy, foreign trade and balance of payments problems, tax structure, budget, customs, and the government administration generally. It also devoted considerable time to the possibilities of economic development. A large majority of the Mission's recommendations were in line with our policies and objectives, and fortunately the Peruvian Government has adopted many of the recommendations."

In the Statement, the Department commented with reference to economic development that Peru had not received large credits from either the Export-Import Bank or the IBRD, partly because of the Peruvian record in the liquidation of financial obligations, perhaps also because of the lack of a consistent national economic development program. It concluded: "Economic development of Peru is more likely to be fostered by private capital investments, and our policy of encouraging the Peruvian Government to adopt policies favorable to such investments should be continued. The Klein Mission has been of considerable help to Peru in this field." (611.23/3-2251)

An index of the Klein Mission's reports to the Peruvian Government through February 1950, together with a list of those of the reports which had been forwarded by the Embassy in Peru to the Department, is included in despatch No. 375 from Lima, March 20, 1950, not printed. (823.10/3-2050)

723.00/11-2950 : Telegram

The Ambassador in Peru (Tittmann) to the Secretary of State

SECRET

LIMA, November 29, 1950.

PRIORITY

287. Peruvian note¹ to Colombian Embassy demanding surrender of Haya to Peruvian authority delivered and broadcast last night and published this morning. Copy airmailed Department today.

In conversation with Barber² and myself this morning FonMin³ stated he considered 5 or 6 days sufficient time to allow Colombia reply to note and if reply not forthcoming by then Peru will either send additional note or take action (unspecified) without further delay, he would not say which. FonMin appeared adamant and refused even to consider any solution other than surrender of Haya. He hoped this firm attitude would not lead to trouble with Colombia but if it did Peru was ready to take consequences. He felt confident however that once Haya was safely in Peruvian prison tension over dispute would relax.

Answering Department's question⁴ possible face-saving compromise Haya's trial *in absentia* while remaining in Colombian Embassy not feasible under Peruvian criminal procedure as he must appear in court in person. In view present temper of government and ruling class Embassy feels intervention on our part in any form would be futile and only serve to anger and harden government even more. Suggestion of formula to mitigate Haya's lot would most certainly be regarded by government as taking sides with Colombia against Peru and as attempt to thwart decision Hague Court. Department may wish consider that Peru would probably resent and discount offers of good offices by Guatemala and Uruguay as leftist motivated. If Department feels Haya should not be surrendered we believe only country with even faint chance of success in tendering good offices as far as Peru is concerned is Argentina because of special relations here. We might appeal to Perón suggesting he assume leadership in settling inter-American dispute by persuading Peru make magnanimous gesture.

Colombian Chargé told me last night he had informed his government of danger Peru breaking relations.

Gallagher mentioned it his opinion political factors were influencing Colombian Government's stand. Colombian President and FonMin⁵ personally ready he thought to surrender Haya but Liberal

¹ Not printed.

² Willard F. Barber, Counselor of Embassy in Lima from October 30, 1950.

³ Manuel Gallagher.

⁴ See footnote 3 to the memorandum of November 24, 1950, from Mr. Mann to Mr. Krieg, p. 995.

⁵ Laureano Gómez and Gonzálo Restrepo Jaramillo, respectively.

party pressure and angry attitude of Zuleta Angel ⁶ and his Conservative party group connected with Colombia's defeat Hague Court who have reputations to maintain made this impossible (see Bogotá's 388 to Department).⁷

Sent Department 287 repeated Bogotá unnumbered.

TITTMANN

⁶ Eduardo Zuleta Angel, Ambassador of Colombia to the United States.

⁷ Of November 28, not printed.

723.00/11-3050

The Ambassador in Colombia (Beaulac) to the Secretary of State

SECRET NIACT

BOGOTÁ, November 30, 1950—10 a. m.

398. Re Embtel 396, November 29 and Lima's telegram 716, November 29. Gallagher's intransigent attitude which clearly implies threat and even intention of violating Colombian Embassy Lima creates in opinion this Embassy threat to peace which may require immediate action by OAS.

Therefore without prejudice to possible tender of good offices by restricted number countries possibly including Argentina as suggested by Lima this Embassy believes Department should have in mind immediate action by OAS to bring pressure on Peru not to break relations, not to violate Colombian Embassy, and not allow physical harm to come to Haya as first and necessary step to peaceful settlement of problem.¹

From press I judge public opinion here is tending more and more toward action by OAS.

Sent Niac 398 to Department, repeated Lima unnumbered.

BEAULAC

¹ In telegram 180 to Bogotá, November 30, the Department said in part that it questioned whether in the circumstances action through the COAS was appropriate or legally possible. (723.00/11-3050)

723.00/11-3050 : Telegram

*The Secretary of State to the Embassy in Peru*¹

CONFIDENTIAL

WASHINGTON, November 30, 1950—6 p. m.

PRIORITY

152. For Amb from Miller. Dept seriously concerned over intransigence Peru in demanding delivery Haya and in threatening break relations Colom order obtain its desires. At same time Colombians are

¹ This telegram was repeated to Rio de Janeiro as 383 and Buenos Aires as 325 and for information only to Bogotá as 178.

adamant in not returning refugee while at same time responsible officials Colom Govt have sought Depts good offices working out any solution of matter which will serve Colom primary purpose maintaining inviolate principle of asylum.

Dept fully appreciates considerations set forth urtel 287 effect that present opinion in Govt circles and ruling class Peru wld be hostile to any tender good offices by other countries or any suggestions as to settlement of case. Nevertheless fact of matter is we are confronted with dispute on part of two countries as to meaning of decision. Regardless Peruvians contentions as to interpretation Colombians argue sincerely court has not ordered delivery of refugee and their position supported by court's observations in opinion prior to entering into discussion of third question submitted by parties where court observed that Peruvian counterclaim did not raise question of "possible surrender of the refugee" to Peru.

Under circumstances it seems clear to us that parties have not exhausted all possible means peaceful solution of case and we also feel regardless of probable attitude of Govt circles and ruling class US Govt wld be derelict its duties and subj to censure by public opinion if it did not do everything appropriately in its power bring parties together. Accordingly you are requested unless you perceive very strong objection call on Pres Odría and deliver him on behalf US Govt stressing pers interest Secy Acheson and self fol points:

1. We are confronted with sincere dispute between Peru and Colom over interpretation court's ruling. In approaching Peru US is not under any circumstances taking sides in favor of Colom or against Peru but is acting merely because of substance of dispute which potentially constitutes a threat to the peace or at very least threat to inter-Amer solidarity.

2. This threat comes at time when nations of Western Hemisphere and of free world are faced with one of gravest crises in all history and it is unthinkable that our united front shld be broken at time when more than ever we must do everything possible provide for common defense and security. Belligerent attitude Peru in connection Ecuadoran dispute² and charges made against Colom connection with island in Amazon³ coupled with barricading of Colom Emb and Peru's threats break relations Colom have combined to cause deep anxiety in US Govt circles whether Peru is not putting its own natl interests ahead of far more grave internatl considerations which directly affect Peru as well other nations of hemisphere.

3. Rightly or wrongly Haya is a personage of great standing in public opinion of US and other countries and his case has had great repercussions throughout Hemisphere because of personal prestige and importance attached to it as symbolic of right of asylum. Any action on part of Peru this time which wld damage hemispheric

² For information regarding this dispute, see pp. 855 ff.

³ Documentation, not printed, regarding the controversy over Amazon Island is contained in files 723.00 and 621.23 for 1950.

solidarity wld cause grave adverse repercussions towards Peru in public opinion throughout free world which wld hurt its internatl standing at time when Odría Govt through sound and courageous econ policy has done much to rehabilitate Peru. You might refer this connection to our steadfast efforts assist Peru in all these efforts.

4. Accordingly in spirit of sincere friendship towards Peru US Govt suggests that every effort be made both sides reach peaceful solution of case through any means available. Suggest you repeat that in view specific statement court as to nonsubmission question relating requirement of return of refugee it seems clear parties have not exhausted all means settlement and have not even exhausted all avenues approach to solution through ICJ. While therefore wld be possible submit question to Court as one possible approach to peaceful settlement we do not necessarily suggest such procedure in view length time involved reaching decision and desirability finding solution will avoid further dragging out of asylum with consequent bitterness and tension which situation causes. Preferable solutions wld appear be acceptance good offices by say Arg, Braz and US or mediation or conciliation.

You might in your discretion mention that we believe Colom Govt might accept approach along these lines toward peaceful solution.⁴

Repeating this tel to Rio de Janeiro and Buenos Aires and instructing our Embs there to suggest to Braz and Arg Govts that they instruct their Embs in Lima to make parallel but not joint approaches Peru Govt along same lines.⁵ [Miller.]

ACHESON

⁴ According to a memorandum by Mr. Krieg of a conversation held November 30 between himself and Dr. Misael Pastrana, Minister Counselor of the Colombian Embassy, the latter responded favorably to an outline of a U.S. proposal similar to that in this telegram, though he had considered it unlikely of acceptance by Peru. (723.00/11-3050)

In a memorandum dated December 11 of a telephone conversation held two days earlier with Mr. Miller, Lester D. Mallory, Chargé d'Affaires of the Embassy in Buenos Aires, wrote in part: "[Mr. Miller] said that Peru's principal preoccupation appeared to be a fear that should they agree to go along with any proposal that Colombia would not give up the gentleman. Mr. Miller said that the Department of State had a promise in writing to the effect that Mr. de la Torre would be delivered, I understanding that this naturally would take place following suitable arrangements or negotiations." (723.00/12-1150). Additional information regarding this "promise" or its date has not been located in Department of State files. The original provenance of the document just cited was the Buenos Aires Post File.

⁵ Telegraphic correspondence between the Embassy in Buenos Aires and the Department leaves uncertain the degree to which Argentina responded to this request. (file 723.00 for December 1950)

In telegram 739 from Rio de Janeiro, December 2, 1950, Ambassador Johnson said in part that after acting on the Department's instruction he had been informed by the Foreign Office that since the suggestion of good offices by friendly powers had already been made to Peru by the United States the Peruvian reaction should be awaited. He had been further told that it was Brazil's tradition to lend, but not to initiate, good offices. (723.00/12-250)

Editorial Note

On December 1, 1950, at 4:30 p. m., Mr. Michael J. McDermott, Special Assistant to the Secretary of State for Press Relations, made this statement orally:

"Edward G. Miller, Jr., Assistant Secretary of State for Inter-American Affairs, received the Colombian and Peruvian Ambassadors today to discuss the tensions prevailing between those two countries, arising out of the asylum which has been granted in the Embassy of Colombia at Lima to Victor Raúl Haya de la Torre, leader of the now outlawed APRA party in Peru.

"Mr. Miller expressed to both Ambassadors the hope of this Government that the energies of their countries would be united to those of the entire free world in combating Communist aggression and that they would find a means of resolving their difficulties in a manner which would preserve friendly relations between them.

"Now as *background*, it would be premature at this time to discuss any specific proposal for solving the Haya de la Torre asylum case. Mr. Miller's conversations were of an exploratory nature with the view to encourage the two countries to seek a mutually satisfactory solution."

Mr. McDermott was asked by a reporter whether the conversations mentioned indicated that Columbia and Peru were using or preparing to use the good offices of the United States. He replied: "We are prepared, of course, to be of any assistance we can in aiding the two partes to come to an agreement and Mr. Miller so informed the two Ambassadors." Mr. McDermott explained his answer by stating:

"*Off the record*, I go around the barn because this Government doesn't offer good offices unless they are quite sure that they are going to be accepted. So this is really not exactly a tender of good offices but is [*sic*] prepared for such a tender if it would be acceptable to the other side, and phrased that way so far as possible so that they may accept the good offices, and I am sure that it shows the other countries that we are willing to be of aid and assistance." (723.00/12-150)

Both memoranda, not printed, of the separate conversations which Mr. Miller held (at his request) with the Peruvian and Colombian Ambassadors on the morning of December 1 are filed under 723.00/12-150.

723.00/12-150 : Telegram

The Ambassador in Peru (Tittmann) to the Secretary of State

CONFIDENTIAL

LIMA, December 1, 1950.

PRIORITY

292. For Miller. Deptel 152, November 30. Substance of urtel left with Odría and Gallagher as informal memo this afternoon.¹ They read it very carefully in presence Barber and myself and while maintaining wholly friendly attitude did not give any indication they would recede one inch from their position. However they both assured us that they would not be precipitate and Gallagher mentioned with smile that Odría had patience of Job. In commenting as they went along Odría and Gallagher raised number of objections to memo and seemed to resent most accusation of belligerency in connection with Ecuador. Gallagher also said very definitely he had made no charges against Colombia as regards Amazon Island and that negotiations with Colombia were continuing in friendly manner. As for court's observations that Peru had not raised question of "possible surrender of the refugee" to Peru Gallagher claimed that this could not be used as valid argument and asked how Peru could make request for delivery before Haya's asylum had been declared illegal by court. They said that if court's decision is not implemented through Haya's surrender Peru would be made a fool of in eyes of other countries. As to Haya's prestige they observed that Lombardo Toledano² and even Stalin enjoyed prestige as well. Without flatly rejecting idea Gallagher anticipates that offers of good offices would get nowhere because Colombians say they would never turn Haya over and Peru will not issue safe-conduct.

Sent Department 292; repeated Bogotá unnumbered.

TITTMANN

¹ Ambassador Tittmann's note was a close paraphrase of telegram 152 from the second sentence of its second paragraph through the end of its numbered paragraph 4 (third paragraph from the end). However, an equivalent to the last sentence of numbered paragraph 3 of telegram 152 was omitted from the note, whose English and Spanish texts were enclosures 1 and 2, respectively, to despatch 570 from Lima, December 4, 1950, not printed. (723.00/12-450)

² Vicente Lombardo Toledano of Mexico, a leader of the Confederación de Trabajadores de América Latina.

723.00/12-450 : Telegram

*The Secretary of State to the Embassy in Peru*CONFIDENTIAL
PRIORITY

WASHINGTON, December 4, 1950—6 p. m.

157. For Amb from Miller. We are seriously concerned reurtel 293,¹ Dec 2 over apparent total failure Odría and Gallagher appreciate our motives making approach them. We are doing this only because apparent sincere difference of view re effect to be given Court ruling as between Colom and Peru which threatens disturb inter-Amer harmony at crucial moment in history. We are not actuated any other motives and especially are not responding any domestic polit pressure. Any suggestions this effect show complete failure understand our views.

FYI only, at reception Peruvian Emb last night honoring Belaunde,² Berckemeyer, Lavalle,³ and Belaunde all indicated to me complete sympathy and understanding our position.

Unless you perceive strong objection pls see Odría and stress orally fol points:

1. US has acted this situation only as friend of both parties in order endeavor avoid unnec friction in hemis at extremely critical juncture world affairs.

2. We are not pressing Peru issue safe conduct Haya nor for any other specific solution case but have urged and continue to urge with equal vigor both countries utilize any existing means including further reference ICJ reach peaceful solution.

FYI, while no further action our part immed contemplated; tel ur recommendations re approach to question if threat to peace or hemisphere solidarity shld develop. [Miller.]

ACHESON

¹ In this telegram Ambassador Tittmann had reported in part that at a conversation with Minister Gallagher held later on December 1 than the one described in telegram 292, *supra*, the latter had called the U.S. memorandum (footnote 1, *supra*) unjust and unfriendly. The Minister had seemed preoccupied by an impression the United States was putting all the pressure on Peru, rather than on Colombia, which he believed was refusing to carry out The Hague decision. (723.00/12-250)

² Ambassador Victor Andres Belaunde, Chairman of the Peruvian Delegation to the Fifth Regular Session of the General Assembly of United Nations.

³ Ambassador Juan Bautista de Lavalle Garcia, Peruvian Representative on the Council of the Organization of American States.

723.00/12-550

*The Ambassador in Peru (Tittmann) to the Assistant Secretary of
State for Inter-American Affairs (Miller)*

PERSONAL AND
CONFIDENTIAL

LIMA, December 5, 1950.

DEAR ED: I was very glad to get your telegram this morning which permitted us to tell the Peruvians among other things that we were not putting pressure on them to give Haya a safe-conduct. As a result, tension between the Embassy and Odría and Gallagher relaxed immediately and I am hoping that some amicable solution will be worked out between Perú and Colombia, even if it means a prolongation of Haya's asylum in the Colombian Embassy while The Hague Court decides the concrete question as to whether Haya is to be surrendered or not.¹ When the Department's press statements were read in the newspapers here, almost everyone in Perú, ruling class and Apristas² alike, jumped to the conclusion that we were making an effort to protect Haya, the international peace aspect of our efforts being ignored or regarded as secondary. This can be accounted for, perhaps, because there was little or no awareness here among the public that the dispute between Perú and Colombia over a refugee case might result in a serious clash. Furthermore, I believe there was always a suspicion on the part of the Peruvian public that the United States was looking out for Haya's welfare.

If I may be so bold as to give an opinion, I would say that the Department probably made a mistake in issuing a press statement on a question that was being handled through diplomatic channels, especially since, as you say, there was no political pressure on the Department to do so. Also, it would have been useful, if the Embassy could have been advised beforehand of the contemplated publicity. It came as a complete surprise. The publicity, which seemed to be timed with the presentation by me of the Department's views to Odría and Gallagher, made the whole thing look like some sort of a threat to Perú and was apparently interpreted as such by Odría and Gallagher. In any event, Gallagher personally seemed very hurt by the proceedings and went so far as to say to me that the memorandum I submitted signified nothing less than the end of Perú's independence, since Perú, which was a weak country, could not hope to withstand the importunities of the United States. He said over and over again to me that he could not understand your own attitude in the

¹ In telegram 419 from Bogotá, December 6, Ambassador Beaulac summarized the Colombian reply of that day to Peru's note of November 29. (See telegram 287 from Lima, November 29, p. 997.) Colombia had offered in part to submit to the ICJ the specific question of whether it was obliged to give Sr. Haya de la Torre over to the Peruvian authorities. (723.00/12-650)

² Members of Alianza Popular Revolucionaria Americana (APRA), Peruvian political movement of which Sr. Haya de la Torre was a leader.

matter since you knew him so well personally. I wonder if you might not care to drop him a friendly line just to say that you were glad to see that he had been in such close touch with me, or words to that effect.

It is possible that I myself made a mistake in leaving a written account, no matter how informal, of the Department's views. Perhaps I should have merely read the contents of the memorandum. But it was so long and the contents so important as an indication of the Department's thinking, supported as it was by the Secretary and yourself, that it seemed to me that Odría and Gallagher should have some means of studying it carefully. I believe, however, that in the long run it will be better for them to have had the Department's views in their hands and for them to have brooded a bit over the situation.

I had my bad moments, too. For a while I feared that all the goodwill I had built up here during the past two years was about to disappear in a twinkling of an eye. As things are turning out, however, I now have hopes that with time I may regain my personal prestige. This morning after our interview, Gallagher said with warmth "We can now talk frankly again, can't we?"

Sincerely,

HAROLD

723.00/12-1150

*The Assistant Secretary of State for Inter-American Affairs (Miller)
to the Ambassador in Peru (Tittmann)*

PERSONAL AND

CONFIDENTIAL

[WASHINGTON,] December 11, 1950.

DEAR HAROLD: I have your letter of December 5 about the Haya de la Torre case. I am delighted to hear that the Colombians and Peruvians have now agreed between themselves to resubmit the matter to the World Court for a ruling on the specific point of whether the Colombians are required to deliver over the refugee.¹ I personally doubt that such a sensible outcome of the problem would have been reached had it not been for our intervention in the matter which has been applauded as a courageous act of leadership by virtually every government in the Hemisphere except the Peruvian Government.

I deeply regret that you feel that you have been placed in a difficult position by the Department, but it seems to me that this is only one of the risks of the game that we are all in. It was absolutely unthinkable that our Government should stand idly by and see a threat to the peace develop in the Hemisphere while the world is falling apart

¹ Though telegram 305 from Lima, December 7, 1950, not printed, indicated that the Peruvian Government might agree to this proposal, it was in telegram 321, December 13, that Ambassador Tittmann reported President Odría had told him that day Peru would definitely accept it. (723.00/12-750 and 723.00/12-1350, respectively)

elsewhere. It is unfortunate that Gallagher felt sensitive about the use of the word "belligerent" but I do not believe that we in the Department can assume all of the responsibility for the adverse consequences of the use of this word since we were basing it only on your reports as to Gallagher's attitude in the specific case and in transmitting the telegram we had no intention either that you should necessarily put the text of the telegram in writing or stick to the precise words of the text. As to the publicity in connection with the visits of Berckemeyer and Zuleta to the Department on December 1, it is impossible under our procedure in the Department to avoid making some statements as to the purpose of the visits to the Department and we tried to put it out in the most routine way possible. For Odría and Gallagher to construe the putting out of this press release as a threat to Peru seems to indicate only bad conscience on their part. We intended no such thing and the very fact of my friendship with Gallagher to which he referred should be sufficient proof to him that it was not our intention to act unfairly.

I do not believe that I should address myself directly to Gallagher as I never have since he and I have been respectively in office. Even at the time he was appointed, I sent my congratulatory message through you. If you believe it desirable, I would have no objection to telling Gallagher in my behalf that I regret that he has misconstrued the purpose of our action which was taken only in the interests of Hemisphere security, but that nevertheless I am delighted that apparently a peaceful procedure has been agreed upon for a solution of the problem. You might also say that I am delighted that you and he have been able to collaborate so closely in this situation.

As to your doubts over having left the memorandum in writing, while, as I say, we did not necessarily intend that you should do this, I agree with you that it may not have hurt matters in the long run for you to have given them an opportunity to brood over our views for a while. In reflecting over the Peruvian Government's action in regard to the Ecuadoran boundary, the island in the Amazon and the Haya case over the last six weeks or so, I have been forcibly struck by the apparent unawareness of Odría and Gallagher to outside public opinion. This has been especially impressed upon me by the far more sophisticated and wordly views of Belaunde, Berckemeyer, Lavalley and Portocarrero all of whom professed to be greatly relieved over our having stepped into the case. Belaunde, incidentally, virtually dictated to me at the Peruvian Embassy a week ago Sunday the text of my second telegram.²

I deeply regret that for a while you thought your prestige was in jeopardy. I seriously doubt that it was, however, since I don't think

²Notations on its text indicate that Mr. Miller had personally drafted on Monday, December 4, telegram 157 to Lima of that date, p. 1003.

that such great prestige and affection as you have built up in Peru could be hurt by one incident, particularly where you were acting under instructions and where, in the opinion of all of us here, those instructions were fair and just. In any event, prestige such as yours is worthwhile primarily if it can be used to good advantage as it apparently has been in this case.

[Here follows a reference to personal matters.]

Sincerely yours,

EDWARD G. MILLER, JR.

363/12-1950

*The Assistant Secretary of State for Inter-American Affairs (Miller)
to the Ambassador in Colombia (Beaulac)*

CONFIDENTIAL

WASHINGTON, December 19, 1950.

INFORMAL

DEAR WILLARD: I was sorry that events moved so rapidly toward the end of last week that we were required to announce our intention to convene the Foreign Ministers' meeting¹ before we had time to consult with the other governments. Once we had seen the last draft of the President's speech, it seemed to us that a Foreign Ministers' meeting, for which there already had been pressure among the Latinos, would become inevitable, and consequently it was important for us to take the initiative very strongly and immediately. A related factor was the intention which we heard about last Friday² of the Guatemalan Government to request a meeting on the Haya de la Torre case.³ This would seem to us unfortunate (a) because the general question of asylum appears to us to be a matter for the Inter-American Juridical Commission and not a matter of consultation, and (b) because the specific case of Haya has been resubmitted to the World Court.⁴

[Here follows a discussion of plans for the forthcoming Foreign Ministers' Meeting.]

With best regards.

Sincerely yours,

EDWARD G. MILLER, JR.

¹ For documentation regarding U.S. policy in connection with the Fourth Meeting of Consultation of American Ministers of Foreign Affairs, held in Washington from March 26 to April 7, 1951, will be printed in a forthcoming volume of *Foreign Relations*.

² December 15.

³ In despatch 623 from Guatemala, December 23, the Embassy mentioned learning from the Department that Guatemala had petitioned at the COAS meeting of December 20 for inclusion of asylum questions on the agenda of the Foreign Ministers' Meeting requested by the United States. The COAS had approved the U.S. request, but Guatemala had withdrawn its petition after Colombia, Peru, and several other republics had spoken against it. (723.00/12-2350)

⁴ On December 13. See Whiteman, *Digest*, vol. 6, p. 485.

URUGUAY

POLITICAL AND ECONOMIC RELATIONS OF THE UNITED STATES AND URUGUAY¹

611.33/4-350

Memorandum by the Ambassador to Uruguay (Ravndal)² to the Assistant Secretary of State for Inter-American Affairs (Miller)

SECRET

[WASHINGTON,] April 3, 1950.

Subject: Implementation of Goodwill Policy toward Uruguay.

Problem:

Degree to which the Department should press for the effective implementation of recent "decisions" (a) to have a unified, distinctive American policy for each of the American Republics and (b) to make of Uruguay an example of our goodwill.

Discussion:

It is understood from what Mr. Miller stated at the conference of chiefs of mission at Rio de Janeiro a month ago³ that the Department has decided to endeavor to obtain for each separate American Republic a distinctive policy which will be followed by all agencies of the United States Government and, further, that these distinctive policies will be framed and implemented on the basis of the individual country's merit. It was thought by Mr. Miller that Uruguay and Guatemala would presently be considered as the opposite poles in the framing and implementation of such distinctive policies.

It is also understood from what Mr. Miller stated during his visit to Uruguay in late February⁴ that it is the Department's feeling that if our program for help and mutually satisfactory trade and other relations does not work in the case of Uruguay it probably will not work in the case of any other American Republic.

With this background and our appreciation of Uruguay's strategic position it is assumed that the Department will view favorably and press for effective implementation practical suggestions having as their objectives (a) giving Uruguay "face" and encouragement in the

¹ For previous documentation, see *Foreign Relations*, 1949, vol. II, pp. 780 ff.

² Then in Washington for consultation.

³ The Conference met March 6-9. A record of its proceedings is filed under 120.43/3-950.

⁴ February 24 through March 1.

cold war and (b) giving Uruguay assistance both financial and technical towards growing stronger in the American way of life.

There are many things which I anticipate will be recommended by the United States-Uruguayan commission for consideration and action once the Point 4 legislation is enacted. But there are also things which can be done now and if they are done promptly they will effectively serve to consolidate the great gains of the Miller visit.

Recommendations:

1. It is recommended that the Department request the restoration of the Naval and Air Attachés.⁵

2. It is recommended that the Department request the President personally to accept on behalf of the United States the statue of Artigas when it is unveiled June 19, 1950.⁶

3. With regard to the Uruguayan Government's desire for help in the matter of growing off-season forage crops, it is recommended that (1) we act favorably on the Uruguayan request for a visiting professor of bromatology for the National University; and (2) we send an IIAA food and agriculture mission to Uruguay when the Uruguayan Government makes a definite request and when 1951 U.S. appropriations are available. Our Embassy in Uruguay should be authorized informally to communicate the U.S. willingness in this regard, to the appropriate Uruguayan authorities.

4. The Secretary should send a personal message to Foreign Minister Charlone stating that (1) he would like to invite him to visit the United States, (2) the heavy burden of the schedule worked out some months ago makes it impractical to extend an invitation in the near future. Assistant Secretary Miller might add to this message his personal hope that Dr. Charlone will in the meantime have other occasion to visit the United States at which time he, Mr. Miller, could extend official hospitality.⁷

Discussed with Mr. Miller April 3 who concurred in all the recommendations and, at the specific inquiry of Amb. Ravndal, stated that he

⁵ In telegram 77 from Montevideo, March 20, Ambassador Ravndal had indicated that Gen. Hoyt S. Vandenberg, Chief of Staff, U.S. Air Force, then on a visit to Montevideo, also favored restoration of an air attaché. (120.32333/3-2050) A new air attaché served in Montevideo from July 15, 1950; a new naval attaché began his tour April 27, 1951.

⁶ The United States Government had accepted in 1948 the gift of a statue of the Uruguayan statesman, Gen. José Gervasio Artigas. At the unveiling ceremony held on June 19, in Washington, near the Pan American Union building, Secretary Acheson participated for the United States as President Truman's personal representative.

⁷ On April 11 William W. Walker, Chargé in Uruguay, delivered to Minister Charlone letters from the Secretary and Mr. Miller along the lines set forth above. (Telegram 55 to Montevideo, April 7, 365/3-2750; telegram 106 from Montevideo, April 12, 365/4-1250) In telegram 69 from Montevideo, Ambassador Ravndal had stated in part that Minister Charlone had said he was authorized by his government to say he would accept an invitation to visit the United States. The Ambassador had concluded: "I urge you authorize immediate telegraphic invitation thus beginning implementation new attitude and decision make Uruguay example of what happens when country plays ball with US." (365/3-1350)

was in full agreement with the policy outlined under "Problem" and "Discussion".⁸

⁸ This sentence, presumably by Ambassador Ravndal, was dated April 4, 1950.

123 Ravndal, Christian M.

*The Ambassador in Uruguay (Ravndal) to Mr. R. Kenneth Oakley
of the Office of East Coast Affairs*¹

SECRET

MONTEVIDEO, July 3, 1950.

OFFICIAL INFORMAL

DEAR KEN: Shortly after my arrival here last August, I asked a group of leading American businessmen to meet with Bill Walker² and me from time to time to consider ideas, problems and proposed recommendations, so that in submitting matters to the Department we would have had the counsel of men of long experience in River Plate affairs.

One of the first questions raised with them was the possibility of their pooling a part of the funds they normally spend on commercial advertising for the purpose of selling the American way of life and, incidentally, neutralizing communist propaganda. Among the subsidiary ideas developed was financing visits to the United States of newspaper men, of labor leaders, and of people who promise to play an influential role in future Uruguayan government.

When the Department recently suggested the formation of an advisory committee for USIE activities here we simply gave the existing advisory body an additional hat to wear. The members are:

M. G. Patrick, Manager, The National City Bank of New York
(Montevideo)

H. C. Wheaton, Manager, Cia. Uruguay de Cemento Portland
W. C. Denton, Manager, International Harvester Export
Company

M. M. Merritt, Manager, Standard Oil Company, S.A.
Uruguay

S. T. James, President, Cia. Swift de Montevideo, S.A.

Recently Al Carter³ has given a series of luncheons in order that we might get to know better the people running the newspapers and radio stations here. We have used those meetings to discuss communism in Uruguay and to challenge any complacency re the matter. Out of those meetings came the idea of using the theater of the air for the purpose of subtly teaching the Uruguayan people the meaning of communism and awakening them to its menace.

¹ Assigned to River Plate Affairs.

² William W. Walker, First Secretary of Embassy.

³ Albert E. Carter, Second Secretary of Embassy.

While Bob Ross ⁴ was working out the detail of how the program might work and how much it might cost, we had a visit from John L. McCaffrey, President of the International Harvester Company, who was passing through with three of his top officials on a flying tour of their branches in Latin America. We presented the idea to him and when he reacted enthusiastically asked him whether the International Harvester Company would be willing to bear a part of the financial burden. He replied unequivocally in the affirmative and added that his company would also help by providing whatever useful material it had available.

With this encouragement we took the matter up with our advisory committee, and the immediate result was Despatch No. 606 of June 26 ⁵ which Bob Ross prepared with the committee's unanimous approval on the basis of his findings to that date.

Subsequently, Perry Culley ⁶ urged that we explore the immediate utility of a poster campaign to expose the lie of the communist pro-peace campaign. And we have since had two further meetings with the committee. The members are all 100% for the idea. Between the meetings Pete James talked to four representative Uruguayans whom he trusts and Patrick talked with Dr. Regules, our new Minister of the Interior. From the latter we have the green light to form an Uruguayan association which on its own responsibility will plaster the country with cartoons carrying anti-communist messages which our American friends will provide them. At no time will the real source, the American Embassy, be revealed. James made a great impression on his Uruguayan audience and since our second meeting has been showing them representative cartoons. (Embassy telegram 186 of June 30). ⁵ The American businessmen here are prepared, if the Uruguayans want financial backing, to give such backing as well.

With warmest personal regards and the best of wishes,

Sincerely yours,

CHRIS

⁴ Robert W. Ross, Third Secretary of Embassy.

⁵ Not printed.

⁶ Perry H. Culley, Assistant Attaché.

Editorial Note

In a letter of October 30 to Ambassador Ravndal, Mr. Miller in part discussed references to Communism which the Ambassador had made in speeches delivered during his several visits to the Uruguayan interior. Mr. Miller stated in part:

"I think we all fully concur with your ideas that the Communist principles and agitation should be faced. I would feel easier, however, if the frontal attack in Uruguay were made by the better ele-

ments of that Republic. There is probably much that we can do in the way of furnishing ammunition, but I feel that throughout Latin America we should, for the present at least, stay somewhat in the background where local groups are concerned. I feel that, while we are still attempting to find a solution to the serious problems facing us and the other democratic nations, we should devote our principal efforts to convince our Latin American friends that the American way of life is best and avoid public attacks which might be interpreted as directed against local groups and even be distorted to the point where they are regarded as interference in local affairs.

While we want to support you wholeheartedly in your endeavor to do something about Communism in your area, we do hope that you will keep the foregoing in mind so that there will be no possibility of a situation developing which would interfere with your effective work in Uruguay." (733.001/10-3050)

In his reply of November 14 the Ambassador stated in part: "At no time did we refer to the local communists or to communist activity in Uruguay itself. This, of course, is clear from the copies of our formal speeches which are on file in the Department and you may take my word for the fact that we also carefully steered clear of internal matters in our extemporaneous speeches, which were many but unavoidable. . . . The communist business was incidental. Our purpose was to show the Uruguayans what we are like and what we think and do. They saw that the U.S. Ambassador is just another guy named Joe—not an intriguing imperialist. As a matter of fact Charlone *officially* thanked me for the trips and classed them as 'The highest type of diplomacy.'" (733.001/11-1450) In a memorandum of December 4 to Mr. Miller, Fletcher Warren, Director of the Office of South American Affairs, after indicating familiarity with this and other correspondence on the subject, said: "I believe that your letter of October 30 did the trick and that we can now let matters ride." A handwritten marginal note on this memorandum reads: "Fletch: I agree. E[dward] G M[iller]". (733.001/12-450)

611.33/11-1750

Department of State Policy Statement

SECRET

[WASHINGTON,] November 17, 1950.

URUGUAY

A. OBJECTIVES

United States policy objectives in Uruguay are peculiarly catholic. There are no major and few minor problems to complicate the pursuit of continued Uruguayan support for US international objectives, and favorable conditions for US interests in Uruguay. Intermediate objectives are (1) to strengthen existing ties and the feeling of kinship

with the US, (2) the continuance of Uruguay's high standards of stability and US-type democracy, (3) the rational development of the Uruguayan economy and further improvement of the already relatively high standard of living, and (4) the maintenance of maximum opportunity for private enterprise.

B. POLICIES

Uruguay, as a small nation between two much larger nations—Argentina and Brazil—and as a democratic, socially progressive state, is principally disposed to active, enthusiastic support of the inter-American system and to collaboration with the US as a strategic counterbalance to its neighbors. There is a substantial identity of international objectives between Uruguay and the US. Uruguay, with its reasonably productive pasture and farm land, and its energetic, enterprising people almost entirely of European stock, has the fundamental economic, social, and political conditions necessary for the support of such mutual objectives. It has given this support to the limit of its influence as a small power.

Accordingly, it is our policy to give encouragement and special recognition to Uruguay as an outstanding example of democracy and as a sincere friend to the US. Every appropriate opportunity is utilized to demonstrate publicly this high regard.

We signed with Uruguay in November 1949 the first modern Treaty of Friendship, Commerce and Economic Development between the US and a Latin American nation.¹ We seek the restoration of Air Force and Naval Attaché offices in Uruguay as a feature of good will and for representation purposes rather than on the basis of reporting needs. We have agreed to provide an Air Force mission and are now awaiting passage by the Uruguayan Congress of enabling legislation.² The cultural and informational program is enhanced in Montevideo by an information library, and a cultural convention is being negotiated between the two countries.

It is necessary for us to avoid any action that might lend credence to charges that the United States has allowed its interest in Uruguay to lapse after the war. The United States is thought by some Uruguayans to feel that it no longer greatly needs Uruguay as its friend in the "Rio de la Plata" area, especially since US-Argentine relations have improved materially since 1945. Uruguay is traditionally suspicious of its large neighbors, particularly Argentina, and

¹ Signed at Montevideo November 23, 1949. The U.S. Senate gave its advice and consent to ratification August 9, 1950. The Uruguayan Parliament has not approved the treaty, which has therefore not gone into effect. For further information, see *Foreign Relations*, 1949, vol. II, pp. 780 ff.

² The agreement relating to the appointment of officers and subordinate personnel to constitute an Air Force Mission to Uruguay was signed at Washington on December 4, 1951. For text, see *United States Treaties and Other International Agreements* (UST), vol. 2 (pt. 2), p. 2517.

desires continuing assurances of support from the US in the event Argentina should attempt to use pressure affecting Uruguay's sovereignty or economic independence. However, the Uruguayan Government appears reasonably satisfied with assurances given early in 1949 that the US will live up to the spirit as well as the letter of the Rio Treaty of 1947.³

We recognize Argentine influence in Uruguay as natural and understand the large identity of interests between the two nations. Therefore we do not oppose any natural movement toward greater collaboration between the two countries, either economic, cultural, or political.

Uruguay sometimes uses intimations of an Argentine threat in its efforts to obtain US assistance. This has been the case with regard to Uruguayan requests for arms and other assistance concerned with the military establishment. It is our policy to assist Uruguay in order to maintain the US position as Uruguay's source of arms and to maintain a friendly attitude toward the US among the Uruguayan armed forces. Those forces are not an important factor in the military defense of the hemisphere but they might prove essential to the maintenance of internal order in the event of sabotage or diversionary disturbances in an emergency period.

The present Colorado Party Administration of Uruguay is traditionally and actively friendly toward the US, but the important minority *Herrerista Blancos* (with a plurality over the dominant faction of the *Colorados* in the 1946⁴ elections) in the past have been outspokenly anti-American. US policy to maintain a friendly attitude and an open mind with regard to the *Herreristas* apparently has helped to produce recent indications of a shift in *Herrerista* policy. In the event they should obtain the responsibility of power in the 1950 elections, they are expected to be much more cooperative toward the US than they now appear. Their anti-US fulminations have been largely the manifestations of an "opposition" party which feels compelled to attack the administration on any vulnerable point; so-called US "imperialism" is a popular target for opposition parties in Uruguay as throughout Latin America.

We further pursue our objectives toward Uruguay through various measures of material assistance. The Institute of Inter-American Affairs maintains a mission engaging in a cooperative program with Uruguay in health and sanitation. The US is disposed to increase this

³ For text of the Inter-American Treaty of Reciprocal Assistance, which entered into force for the United States on December 3, 1948, see Department of State Treaties and Other International Acts Series (TIAS) No. 1838, or 62 Stat. (pt. 2) 1681.

⁴ Between "1946" and "elections," the words "and 1950" are written in by hand.

technical assistance and that rendered through travel grants and scholarships to students and technicians, by an IIAA cooperative program in food and agriculture if US funds become available as expected and if Uruguay makes a definite request following current tentative expressions of interest.

The Export-Import Bank has extended credits to Uruguay for the completion of a major hydroelectric project as well as several private exporters credits. Uruguay has obtained a loan from the International Bank for Reconstruction and Development for further development of its hydroelectric facilities and telephone system.⁵ The US supports the loan application and is entirely sympathetic to financial assistance for such unquestionably suitable industrialization and for general development, especially the rationalization and improvement of agriculture and livestock raising. Any requests for US financial assistance will, of course, be considered according to the criteria of economic justification and the availability of private capital.

The US endeavors to avoid measures which might be construed as encouraging further steps in Uruguay's long-term trend toward the government ownership of basic industries. It is recognized, however, that the early development of social legislation has been one of the principal factors in Uruguayan progress and that the entry of governments into industry has been justified at least in part by the scarcity of private venture capital.

Uruguayan policy in this regard also is evident in certain controls of trade in industries where US investment is relatively heavy. Competition in petroleum distribution is restricted by requirements of the official refining monopoly ANCAP. Foreign meat packers have their markets similarly restricted. While we do not oppose participation in these markets by government-owned agencies, we urge that competitive conditions be maintained at the maximum compatible with the fundamental Uruguayan policy to maintain an essential measure of national "economic independence" or economic auto-determination.

There is some indication that Uruguay's policy in this regard has been modified in the last two years at least to the extent that further controls and restrictions may not be imposed. For example, there seems at present to be no reason for the concern felt in 1947 and 1948

⁵ On August 25, 1950, the IBRD had approved a 24-year, 4 1/4 percent loan of \$33 million to the government-owned Administración General de las Usinas Eléctricas y los Teléfonos del Estado. In telegram 32 to Montevideo, August 17, marked "For Ambassador from Miller," the latter had stated in part that the loan agreement had been reached after prolonged and difficult negotiations, which had been conducted on the Uruguayan side by Ambassador Alberto Domínguez Cámpora. "Bank has given in on at least sixty points to him and Eugene Black [President of the IBRD] tells me it is the most lenient form of contract that the Bank has offered to any country." (833.10/6-850) File 833.10 for 1950 contains additional documents on the loan negotiations.

about the possible entry of government into competition with the private and US-owned cement industry. This new trend is evident in certain provisions of the FCED Treaty with the US, as yet unratified by Uruguay.

Another direct step to obtain continued favorable conditions for US interests in Uruguay was the successful negotiation in 1949 for the mutual reduction of tariffs and for Uruguayan accession to the General Agreement on Tariffs and Trade (GATT).⁶ However, Uruguay has not yet acceded to the Agreement. It is hoped that accession will cause Uruguay to alter the post-war trend toward measures fostering bilateral trade balancing. The US recognizes these measures as temporary expedients and continues to encourage trade on a multi-lateral basis consistent with the principles of GATT.

Two double taxation treaties and a cultural convention are now being negotiated between the two governments.

C. RELATIONS WITH OTHER STATES

The Uruguayan economy is closely related to that of Argentina. Uruguay's production of basic commodities competes with that of Argentina in the same world markets; although, because of the much greater volume of Argentine production, Uruguay's exports are not a controlling factor in those markets. Uruguay, in this sense, is dependent on Argentina; the prices which Uruguay receives for its meat, for example, are determined usually by the prices set for Argentine meat.

As a natural consequence, and perhaps also because of Argentine aspirations, the political life of Uruguay is influenced by apprehension concerning Argentine intentions and the desire to keep pace with Argentine economic development. Despite the historical Argentine conviction that it is the economic and political leader of the austral nations of this hemisphere and despite reported Argentine aspirations to increase its hegemony in Uruguay, there has been found no concrete evidence of any Argentine action inconsistent with Uruguayan sovereignty or with US objectives in the hemisphere and the world.

Argentine-Uruguayan relations are complicated by the machinations of the *Herrerista Blancos* who are alleged to be in conspiracy with the Perón Administration of Argentina. It seems likely, however, that the day has long since passed when any responsible Uruguayan would seriously consider or at least dare to propose political union with the "Western Provinces of the Rio de la Plata." This maneuvering, therefore, appears to be largely for domestic political consumption.

⁶ For the text of the General Agreement on Tariffs and Trade, concluded at Geneva on October 30, 1947, see TIAS No. 1700, or 61 Stat. (pts. 5 and 6).

There is still latent some slight suspicion of Brazil but more important is Brazil's value to Uruguay in bolstering Uruguayan independence of Argentina. Brazil, on the other hand, considers Uruguay as a buffer against possible Argentine expansion, which in part explains its cooperative attitude toward Uruguay and its apparent encouragement of Uruguayan suspicion of Argentina.

Uruguay theoretically maintains diplomatic relations with Russia, but there has been no Uruguayan representation in the Soviet Union since late 1947 although the USSR maintains a Legation in Montevideo. The Communist Party of Uruguay reached a high point in the elections of 1946 when it increased its voting strength almost two-fold to 5% of the total vote. Subsequently, however, its position has been weakened, for the most part as a result of the current "limited" world war. Furthermore, in the last two years there has been an awakening in Uruguay to the extent to which the Communist Party has controlled Uruguayan labor unions, particularly the one labor federation. As a result there has been an offensive against this position with a consequent weakening of Communist control of that federation and some of its affiliates. However, the Communists, although numerically small, still have a strong and effective organization and through their control of workers engaged in vital industries might be able to pose a serious problem for the Uruguayan Government in the event of an emergency.

Uruguay's diplomatic relations with Paraguay were normalized in 1949 after a two year interregnum during which they were strained, largely as a result of Uruguay's interference on behalf of the rebels in the unsuccessful 1947 rebellion in Paraguay.

Uruguay's relationship with the United Kingdom, based principally on a healthy trade, has returned to something near its pre-war status. Uruguay endeavors to balance its trade with Britain, as with other countries, on a current basis.

D. POLICY EVALUATION

The US has been and is largely successful in obtaining the support of the Government and people of Uruguay for its objectives in the hemisphere and the world. There has been thoroughgoing cooperation between our two countries in the United Nations and the Organization of American States although the Uruguayan attitude sometimes is unrealistic. The notable identity of interest between Uruguay and the US and their consistently friendly relations have had special reciprocal advantages. These relations have reassured Uruguay and, from our viewpoint, have given emphasis to the kind of political freedom which leads to a close and effective cooperative relationship between the US and another American republic.

Likewise relative success appears to have resulted from US efforts to obtain a continuance and even furtherance of economic development and favorable conditions for US private enterprise in Uruguay. Proof of such success, however, must be found principally in the ratification and implementation of the Friendship, Commerce and Economic Development Treaty.

VENEZUELA

POLITICAL AND ECONOMIC RELATIONS OF THE UNITED STATES AND VENEZUELA¹

911.5331/2-250

Memorandum of Conversation, by the Ambassador to Venezuela (Donnelly)

RESTRICTED

[WASHINGTON,] February 2, 1950.

Subject: Competition of Venezuelan Navigation Company

Participants: Walter J. Donnelly

Mr. Shea, President, W. R. Grace and Company

Mr. Adams, President, Grace Line, Incorporated

Mr. Magner, Vice President, Grace Line, Incorporated

ARA—Mr. Charles P. Nolan²

NWC—Mr. Bainbridge C. Davis³

Messrs. Shea, Adams and Magner requested a meeting with Ambassador Donnelly to discuss with him the situation which has been developing with respect to the operations of the Ven Navigation Company and their effect upon the Grace Line. Due to the lower freight rates being quoted by the Venezuelan Navigation Company which are 10% under the freight rates charged by Conference⁴ members, and the amount of Venezuelan Government consigned cargo being carried by the Venezuelan flag vessels, the volume of cargo formerly carried by Grace vessels to Venezuela has decreased to a very great extent. As of December 1949, Venezuelan ships were carrying about 44% of the total southbound cargo from New York to Venezuela. The Grace Line representatives outlined various steps that they have taken to get the Venezuelan Navigation Company to agree to operate on a more competitive basis. Among these, various unsuccessful attempts have been made to get the Venezuelan shipping companies into the Shipping Conference. The Grace Line representatives stated in confidence that, because of the 10% cheaper freight rates being charged by the Venezuelan Navigation Company, the Conference line members had a meeting last week at which it was decided that unless the situation is corrected, the Conference members will meet the rates

¹ For previous documentation, see *Foreign Relations*, 1949, vol. II, pp. 795 ff.

² Transportation Officer in the Office of the Economic and Finance Adviser to ARA.

³ Assigned to Venezuelan Affairs.

⁴ The U.S. Atlantic and Gulf-Netherlands West Indies and Venezuela (shipping) Conference.

charged by the Venezuelan Navigation Company. This, in effect, will mean a rate war.

Ambassador Donnelly asked the Grace representatives if they had any suggestions as to what action could be taken. They stated that it would be very desirable and effective if he could bring this matter to the attention of the Venezuelan Ambassador with certain suggestions and with the request that he bring it to the attention of his Government in Caracas. This would supplement conversations on the same subject which Ambassador Donnelly had with Venezuelan officials prior to his leaving Caracas a couple of weeks ago. It was agreed that Ambassador Donnelly would give the Venezuelan Ambassador a memorandum on the subject later on in the day when he had an appointment with the Ambassador.

The memorandum was as follows:

"The present practice of the Compania Anonima Venezolana de Navigacion in quoting freight rates on cargo moving between East Coast and Gulf Coast ports of the United States and Venezuelan ports by 10% under the conference rates is having a disturbing effect on steamship services between the United States and Venezuela.

"It is feared that unless the practice is discontinued a freight rate war may ensue with resulting serious disadvantages to all lines engaged in the service.

"It appears that the best way to effect at least a temporary adjustment of the problem is 1) the Compania Anonima Venezolana de Navigacion to agree to observe the Flota rates which in most instances are lower than the conference rates, 2) arrangements to be made for a meeting of the representatives of the steamship lines in New York at an early date with a view to reaching a permanent settlement.

"The Compania Anonima Venezolana de Navigacion and the Flota are now carrying a substantial part of the freight moving from New York to Venezuelan ports, and in December the participation of the two Venezuelan lines amounted to 44%." ⁵

⁵ Documents in files 911.53 and 911.5331 for 1950 indicate that Ambassador Donnelly helped to arrange a meeting in New York in mid-March between the Conference shippers and the two Venezuelan lines mentioned. The conferees agreed to meet again in Caracas in late June. See the Department's instruction 87 to Caracas, June 15, p. 1022.

731.001/5-450 : Telegram

The Acting Secretary of State to the Embassy in Venezuela

SECRET

WASHINGTON, May 10, 1950—6 p. m.

135. Embtel 240, May 4.¹ Re possible dissolution Commie Party by Ven Junta Dept considers each Amer Republic is best judge steps needed protect own internal security but does not believe outlawing party necessarily most effective means dealing with Commie problem. Cong has not banned party in US. Outlawing felt increase difficulties observation and control while repression in end tends breed Communism. US control includes requirement registration officers, accounting for funds, etc. and punishing acts by Commies or non-Commies designed overthrow Govt. From prelim study of Ven legis appears similar control available if enforced. Both Arg and Urug among Amer Republics permitting existence legal Commie parties, while Commies still strong Braz and Chile despite dissolution.

Dept appreciates however situation Ven complicated by abolition AD² which gives Commies advantage in wooing masses. On other hand outlawing Commies might intensify their cooperation with AD.³

Suggest Emb avoid making any recommendation and especially any association anti-Commie campaign with desire fin assistance (last para reftel and Embtel 266,⁴ May 8 to which reply upcoming).⁵

WEBB

¹ In this telegram Ambassador Walter J. Donnelly had reported that the Military Junta Government of Venezuela was considering the dissolution of the Communist Party. "Foreign Minister [Luis Emilio Gómez Ruiz] said Junta carefully studying all aspects decision and speaking as friend he would wish gauge reaction in US if party suppressed. I replied manner in which decision taken would determine response." The Minister had, according to the Ambassador, added that if the Party were suppressed the Government would feel it necessary to "placate labor" with public works projects and had then raised the question of a \$200 million loan to Venezuela by the Export-Import Bank. (731.001/5-450)

² Acción Democrática, Venezuelan political party.

³ On May 13 the Military Junta decreed the dissolution of the larger of the two Communist Parties in Venezuela. Information on whether the Embassy had by that time relayed the contents of telegram 135 to the authorities has not been found in Department of State files.

⁴ Not printed.

⁵ In telegram 142 to Caracas, May 12, the Department instructed the Embassy to advise the Foreign Minister that the ExImBank could not consider an application of the type mentioned by him (see footnote 1) because it believed the projects in question involved mainly local currency expenditures. If Venezuela wished to pursue the matter, her officials should be prepared to name specific projects and give dollar/bolivar breakdowns for them. Also, the dollar amounts requested should be unavailable from commercial sources. (831.10/5-850)

911.5331/6-1550

*The Secretary of State to the Embassy in Venezuela*¹

RESTRICTED

WASHINGTON, June 15, 1950.

No. 87

The Secretary of State refers to the Department's telegram No. 157 of May 25² and previous messages on the Venezuelan shipping problem. The Department appreciates the excellent manner in which the Embassy has presented this Government's position in using its good offices to try to bring about a mutually satisfactory solution to this difficult problem. The telegram under reference refers to the question of rates and the operation of the conference with respect to the non-conference carrier and is not intended to prevent the Embassy's giving appropriate assistance in other regards to American shipping interests operating in Venezuela. Further detailed consideration of the problem in Washington has led to the conclusions which were transmitted in summary form in the reference telegram in order that the Embassy might have them for its guidance prior to the start of the discussions between the conference and Venezuelan companies. An elaboration of these points is given below:³

1. Shipping conferences are voluntary associations of shipping lines permitted by United States legislation for the purpose of cooperating in providing service to and from certain areas. Both United States lines and foreign lines are involved and while agreement on rates are permitted, there is no legal compulsion on non-conference shipping lines to charge similar rates. It has been the practice of conference lines to charge two sets of rates, a lower one for shippers using only conference carriers and a higher rate for others. This practice, however, is now the subject of antitrust litigation before the second District Court of New York (*Isbrandtsen v. U.S.*) and is being attacked by the Department of Justice, supported by the Department of Agriculture, in the District Court for the District of New Jersey (*U.S. v. Far East Conference, U.S. Lines, et al.*). In the first case a temporary injunction against use by a shipping conference of such discriminatory practices has been granted, pending adversary proceedings before the Federal Maritime Board. The decision in the second case, it is understood, will depend on the outcome of the *Isbrandtsen* case.⁴ Therefore,

¹ Drafted by L. James Falck, Assistant Chief of the Shipping Policy Staff, and Harold E. Fassberg of the International Business Practices Policy Staff.

² In it the Department had stated in part: "Conclusion reached US Govt shld not make representations to Venez Govt for assurances there will be no further rate reductions by Venez cos or that they comply with shipping conference practices." (911.5331/5-2550)

³ In addition to the points elaborated here, telegram 157 had stated: "Inappropriate for US Govt intervene in private commercial dispute except for compelling reasons such as discrimination against US interests."

⁴ District and appellate court decisions favorable to *Isbrandtsen's* suit against the dual rate practice were upheld by the Supreme Court in 1958; this result was later modified by legislation. For discussion and legal citations, see Marjorie M. Whiteman, *Digest of International Law*, vol. 9 (Washington: Government Printing Office, 1968), pp. 249-253.

in view of the fact that the legality in this country of the dual rate structure has been questioned, it would be inappropriate for the Department to intervene in any way on behalf of the shipping conference to bring about the adoption of its rates by independent foreign shipping lines.

2. There is a further consideration with respect to the rate problem. Inquiry was made of the Department of Justice as to its views on the contemplated rate agreement inasmuch as the Venezuelan shipping line is not a member of the conference. While agreements on rates within the conference framework are exempt under present shipping legislation from the application of the antitrust legislation the Department of Justice indicated that it would probably consider an agreement between an American conference member and a non-conference member involving the foreign commerce of the United States as a violation of the antitrust laws. The Federal Maritime Board states in this regard, however, that "any agreement arrived at between the conference and non-conference carriers would have to be submitted to the Federal Maritime Board for its approval pursuant to the provisions of Section 15 of the Shipping Act, 1916,⁵ as amended, and if so approved would then be excepted from the antitrust laws, and therefore any attempt to secure such an agreement cannot be inferred to be an attempt to break the laws of the United States."⁶ It is obvious that in view of such divergent views, the Department must proceed with caution.

3. The United States long has opposed governmental fixing of ocean freight rates, except in time of war. The Department has supported such a position. Also, subject to safeguards contained in United States law, a carrier has the basic right to set rates according to his own judgment. It must be recognized that under some circumstances the use of the dual rate system by conferences may make it necessary to charge lower rates to compete effectively. Whether in fact a shipping line would charge lower rates would depend on such considerations as the volume of cargo carried by the conference at the contract and the non-contract rates, the spread between the two rates and the amount of service which the independent line can provide in relation to the conference. It would be unwise for this Government to take the position that it should be concerned with the level of shipping rates or the relationship between the conference and non-conference rates. To do so in the dispute between the conference and the Venezuelan shipping line might be construed as a change of policy which looked toward closer governmental regulation or control of shipping rates.

⁵ 39 Stat. 728.

⁶ From a letter of June 5, 1950, from John T. Koehler, Acting Chairman, Federal Maritime Board, to Secretary Acheson. In this letter Mr. Koehler had also said in part that the forthcoming Caracas meeting of Conference and Venezuelan shipping lines had only been made possible through Ambassador Donnelly's discussions with the Venezuelan Government. "His action in this respect was predicated on the fact that the Venezuelan lines are government owned and that therefore this cannot be regarded as merely a private commercial dispute." (911.5331/6-550)

In view of the above considerations, the Department thoroughly agrees with the Embassy's decision ⁷ not to have the requested experts from the Department and the Federal Maritime Board participate in any way in discussions between the shipping interests.⁸

⁷ In despatch No. 673 from Caracas, April 26, Ambassador Donnelly had reported on his conversation that day with Sr. Gómez Ruiz and had stated in part: "He indicated the Venezuelan Government has instructed both the Venezuelan Division of the Gran Colombiana Steamship Line and the Compañía Navegación Venezolana to seek an understanding with the American lines and by all means to avoid a freight rate war.

"I told the Minister that the Department had approved of my suggestion that representatives of the Maritime Commission and the Department be detailed to the Embassy here for the duration of the conference, for the purpose of being available in the event their technical assistance is found to be desirable, but with the understanding that they shall not participate in the conversations which will be conducted between the interested parties." (911.5331/4-2650)

⁸ In telegram 388 from Caracas, June 20, Ambassador Donnelly reported in part that Conference and Venezuelan lines had reached agreement on a number of matters, including a uniform rate structure and Conference support for any application by the Venezuelan lines for 50 percent participation in cargo financed by the ExImBank and destined for Venezuela. Compliance with the new agreement was to be supervised by a Chamber of Overseas Transportation in Caracas made up of members from each participating line. (911.5331/6-2050)

611.31/6-3050

Department of State Policy Statement

TOP SECRET

[WASHINGTON,] June 30, 1950.

VENEZUELA

A. OBJECTIVES

US objectives in Latin America are the security of the United States and of this Hemisphere, the achievement of world peace, the encouragement of democratic representative institutions, and positive cooperation in the economic field in order to help in the attainment of the first three objectives. Within this general framework our specific objectives in Venezuela are: to assure an adequate supply of petroleum, especially in time of war, and to encourage the development of Venezuela's rich iron ore deposits to supplement US reserves; to foster the economic stability and development of Venezuela and the achievement of a more balanced economy, and to contribute to better living conditions for the masses as a sound basis for the growth of democracy and the continuance of a system of free enterprise; and to strengthen the friendship of the Venezuelan people and Government toward the United States, and to promote their political development along democratic lines, both as an aid in defending the strategic Caribbean-Canal Zone area and as support for hemispheric cooperation, world peace, and other basic US objectives.

B. POLICIES

Maintenance of Supply of Strategic Resources. All US policies toward Venezuela are affected in greater or less degree by the objective of assuring an adequate supply of petroleum for the US, especially in time of war. Furthermore the means of attaining our other objectives are conditioned by the overwhelming importance of petroleum in the economy of Venezuela.

Commercial development of oil following the first world war transformed Venezuela's poor and primitive economy—which had been based on the export of coffee, cacao, hides and skins—into a thriving but extremely unbalanced economy overwhelmingly dependent upon the export of petroleum. While the dictatorship of Juan Vicente Gómez (1908–35) gave no opportunity for the development of democratic experience and anticipated in many respects some of the most odious features of the Nazi-Soviet police state, his economic policies laid the foundation for the growth of the country into the financially-strongest nation of Latin America. Gómez paid off substantially all of Venezuela's foreign debt and sedulously avoided disputes or entanglements with foreign powers. He had legislation enacted which made it possible for foreign companies to develop Venezuela's vast petroleum resources to such an extent that income from activities of the oil companies currently supply Venezuela with 95% of its foreign exchange and 72% of its total government revenue. They have made possible a degree of economic activity by the Government unmatched elsewhere among the American Republics: in spite of expenditures equivalent to \$680 million in the fiscal year ending June 30, 1949, the Venezuelan Treasury possessed liquid reserves on that date equivalent to \$114 million or more than four times the total outstanding amount of government and government-guaranteed bonds. Total Venezuelan gold and foreign exchange resources amounted in terms of US dollars to \$440 million on the same date.

When Gómez died and Venezuela took its first faltering steps in the direction of increased popular participation in the affairs of state, the close relationship between the dictator and the oil companies became a political liability to the companies. Both the companies and their foreign employees have been the objects of envy, distrust and dislike by the Venezuelans. This is partly due to the higher standard of living enjoyed by the foreign managerial personnel and to their practice of living in isolated US-type villages. It was also due partly to the conflict of different mentalities: the "hurry-up" psychology of the Yankee boss in conflict with the "mañana" complex of the poorly-trained, inefficient Venezuelan. The upper-class Venezuelans have a far more basic reason for their latent antipathy to Americans. They deeply resent the fact that Venezuela's greatest natural resource is

exclusively controlled by aliens. They realize all too clearly that the economic life of their country is completely dependent on the operations of foreign companies, which theoretically could bring all government and most business activity to a standstill simply by suspending operations for a few months.

As a result there have been many Venezuelans who have advocated the nationalization of the petroleum industry, and there are few politicians in Venezuela who would dare assert publicly that they oppose nationalization. Responsible leaders have, however, usually admitted that Venezuela could not successfully manage the complex oil business in view of the lack of trained technicians in virtually every branch of operations from exploration to marketing, and they have therefore been content to confine their aspirations to the indefinite future.

The sentiment in favor of nationalization has not been without its effect on governmental policy. From 1945 to the present no additional concessions for exploration have been granted by the Venezuelan Government. Although it never formulated its policy precisely, the administrations which held power from October 18, 1945 to November 24, 1948 apparently planned to make no more concessions on the old terms; they seemed to be considering plans for mixed companies in which the Venezuelan Government would be at least an equal partner, or possibly for a Government petroleum administration which alone would receive new concessions and exploit them through operating contracts with foreign concerns. Each succeeding regime from Gómez until the present self-styled provisional military dictatorship has found it politically expedient to increase the participation of the state in the profits of the petroleum companies and to require ever greater social benefits for the workers and their dependents. Present legislation requires all petroleum companies to compare their profits with the taxes and royalties already paid the Government; if the payments do not equal half the profits, the companies must then pay an additional tax to effect a 50-50 split. The companies are also required to provide the workers free medical care, educational facilities, vacations with pay, a share in the profits, and commissaries which sell essentials at lower than market prices.

In these circumstances it is United States policy to persuade Venezuela that its own best interests would be served by encouraging the participation of private foreign capital in the development of the petroleum deposits. The U.S. Government and the companies are co-operating and must continue to cooperate in this task. Under private control Venezuela has become the world's second largest producer, while countries which have insisted on national control are still importing their domestic requirements. The efficient exploitation by private companies has paid great dividends to the Venezuelan state, enabling it to undertake ambitious projects for improving living con-

ditions far beyond the capacity of most countries of equal population.

Every effort is also being made to increase mutual respect between the Venezuelan people and American workers through intelligent training programs and less exclusive administration on the part of the principal oil companies. In this undertaking the US cultural and information program is making a distinct contribution to better understanding; an all expense tour to the United States by young amateur baseball players in 1949 gives a sample of new techniques in public affairs work which holds great promise for the future.

On a government-to-government basis, we have tried to show Venezuela that we genuinely respect the sovereignty of that country and are prepared to demonstrate that respect by adhering strictly to the policy of non-intervention. In this way we hope to reduce somewhat the effects of the Venezuelan national inferiority complex. At the same time we have continued to express our views on problems affecting the industry and to render such general assistance to our companies as seems appropriate. We have allowed the Venezuelan authorities to become aware of our hope that the Government will once again resume the granting of concessions so as to permit the normal growth and development of the petroleum industry; that the tax burden upon the companies will not be made so severe as to impair their competitive position in the world market; and that rigid "conservation" measures of an uneconomic nature may be avoided.

By the end of 1949 Venezuela had reached an all-time high in production (nearly $11\frac{1}{2}$ million barrels per day). At the same time, as a result of the recent shift from a world shortage of petroleum to a world surplus, Venezuela has been threatened by four developments of varying seriousness. The discovery and development of petroleum in the Near East and in western Canada provides an increasing long-range threat to Venezuela's oil markets. With the rapid development of low-cost production and of transportation facilities in the Near East it seems likely that Venezuela will lose its European markets and will face increasing competition elsewhere. On the other hand the discovery of oil in western Canada threatens eventually to reduce seriously the North American market for Venezuelan oil. While the competitive situation between oil companies operating in various parts of the world is a matter primarily for adjustment by the private interests concerned, nevertheless it is US policy to safeguard the nearby Venezuelan resources as of greater strategic importance to us than those of the Near East.

British efforts to reduce the drain on its dollar balance by placing restrictions on imports of dollar oil into the sterling area ¹ constitute a second threat to the Venezuelan oil industry, the exact extent of

¹ Pertinent documentation is scheduled for publication in volume III.

which is difficult to measure at this time. This British action furthermore discriminates against US companies in favor of the British Shell interests in Venezuela. Aside from the unfair commercial aspect of this discrimination, the fact that approximately two-thirds of all Venezuelan oil is produced by American companies indicates probable injury to the Venezuelan economy if the British do not alter their course of action. It is the policy of the US to persuade the British to refrain from the displacement of US company oil by British company oil in the sterling area and elsewhere wherever US company oil is available at no greater cost in dollars than the average dollar cost of British company oil.

The cutback of oil production in the US, particularly in Texas, resulting from the world surplus has stimulated efforts in the US Congress to impose quota restrictions on the importation of oil or to place prohibitive taxes on imports. The imposition of such restrictions or taxes would be contrary to our basic commercial policy as well as detrimental to our strategic interests in Venezuela and our relations with that country. Consequently the Department has informed Congress of our opposition to such measures and the important considerations which motivate our opposition. Voluntary cutbacks in Venezuelan oil production and exports, demonstrating a cooperative approach to this situation, and the efforts of an unofficial Trade Mission of leading Venezuelan businessmen to bring the foreign trade aspects of the proposed legislation to the attention of US exporters have lessened though not removed the immediate danger of such action.² The significance to US exporters of maintaining the US market for Venezuelan oil is demonstrated by the fact that US exports to Venezuela totaled over a half billion dollars in 1949, maintaining Venezuela's place as our largest Latin American market and our second largest cash customer in the world.

A less serious matter of concern to the Venezuelan oil industry is the recent denunciation of the US-Mexican trade agreement.³ The US-Venezuelan trade agreement, in effect since 1939,⁴ reduced the

² Neither a quota for nor a tariff increase on imported oil was enacted by the 81st Congress.

³ On the basis of considerations relating to Venezuela, the Department had for a time in 1950 delayed denunciation of the Trade Agreement with Mexico signed at Washington, December 23, 1942. (For text, see Department of State Executive Agreement Series (EAS) No. 311, or 57 Stat. (pt. 2) 833.) See the memorandum of February 23 by Thomas C. Mann, Director of the Office of Middle American Affairs, to Willard F. Barber, Deputy Assistant Secretary of State for Inter-American Affairs, p. 942.

For the decision to proceed with denunciation, see the memorandum of May 5 by William L. Krieg, Acting Deputy Director of the Office of North and West Coast Affairs, to Edward G. Miller, Jr., Assistant Secretary of State for Inter-American Affairs, p. 947.

⁴ Signed at Caracas, November 6, provisionally effective from December 16. For text, see 54 Stat. (pt. 2) 2375. Texts of related presidential proclamations issued December 12 and 28, 1939, are *ibid.*, 2451 and 2456, respectively.

import tax from 21¢ to 10½¢ per barrel on petroleum imports not in excess of five percent of US domestic refinery runs in the preceding year. The US-Mexican trade agreement extended this reduction to oil imports irrespective of quantity, and Venezuela benefited by application of most-favored-nation treatment. Upon termination of the Mexican agreement, effective January 1, 1951, the tariff quota provisions of the Venezuelan agreement will again become controlling. It is believed that Venezuelan production and exports to the US will not be curtailed as a result of this development although it will, according to industry estimates, cost the companies annually about \$5,000,000 and the Venezuelan Government about \$3,000,000.

There is a further aspect of our petroleum policy in Venezuela concerned with the industry's physical security. It would be difficult to exaggerate the importance of a continuous supply of Venezuelan petroleum to this country in case of a national emergency. In addition to the problem of nationalization, threats to the availability of Venezuelan oil may come from communist sabotage, domestic riot and disorder, or foreign attack.

The Communist Party in Venezuela, which has been well organized and disciplined in comparison with other Venezuelan parties, has had an estimated membership of approximately 20,000; in the 1947 Congressional elections the party polled about 50,000 votes which represented 4.3% of the total vote. This party, sometimes called the Red Communist Party, was declared dissolved by Government decree issued May 13, 1950, charging the party with subversive propaganda, promotion of illegal strikes, sabotage and armed attacks. Its leaders have either left the country, been arrested or gone into hiding. There is a much smaller dissident party, known as PRP or the Black Communists, which has not caused trouble and continues as a legal party. The power of the Red Communists as an underground organization has not yet had time to be tested.

The Communists have had considerable success in organizing the labor movement. It has been estimated that from 10 to 25% of Venezuelan oil workers, some of them very strategically located, have joined Communist trade unions. In May 1950, a strike called primarily for political purposes by the Red Communists and the outlawed AD elements practically paralyzed the Venezuelan oil industry for a few days. In reprisal the Government dissolved the Communist labor federation of oil workers and 20 of its component unions, as well as 24 AD unions all of which participated in this strike. A few Red Communist, AD and Black Communist unions which did not participate were not dissolved. While this recent strike was directed against the Military Junta rather than the US, it may serve as a reminder that in case of war between the US and the Soviet Union, the Communist leaders will make every effort, as they have publicly

proclaimed, to prevent a single drop of oil reaching the United States or its allies. However, if the present Government is in power, it will probably make every effort to prevent sabotage.

After the revolution of November 1948, the Military Junta outlawed the Acción Democrática political party which had supported the previous government, and abolished the labor federations and confederations which had been organized by that party. The individual AD unions were not abolished, but their experienced leadership was largely removed. This has given the Communists an excellent opportunity to infiltrate the non-Communist labor movement, and there have been many indications that, prior to the recent Government decree, they had worked themselves into a position where they had a marked degree of influence over the policies of the former AD petroleum workers' unions. The AD unions have successfully maintained their separate organizational identities, and the degree of Communist infiltration cannot be accurately determined.

The situation was considered to be sufficiently serious even in 1948 to warrant the sending of a special mission to Venezuela to make a survey of security factors in the petroleum industry in Venezuela and the adjacent Netherlands West Indies. This mission found that, because of the dispersed character of the industry, it would be impossible to prevent isolated acts of sabotage, but it did suggest several concrete measures which the companies and the Venezuelan Government could take in order to minimize this danger. The Embassy in Caracas has been instructed to consult with representatives of the oil companies and, when desirable, with the Venezuelan authorities in order to put into effect as many as possible of the recommendations.

Since the control of the Communist union leaders over the rank and file has not been put to any severe test and may in practice be far from complete, we should not limit ourselves to purely precautionary measures. We have been trying through our USIE program to undermine the confidence of union members in their Communist leaders, exposing the latter as tools of a foreign power.

The second source of danger to the security of our petroleum supply in Venezuela lies in domestic riot and disorder. Political conditions in Venezuela are not stable and it is not impossible to envisage a situation where law and order might break down completely and the country be delivered over to anarchy for a brief period of time. In such a case, it is possible that the latent resentment of the ordinary Venezuelans against foreigners could be fanned into flames by agitators, possibly Communist-inspired, and directed into a destructive attack against strategic petroleum installations.

The danger also exists of foreign attack, possibly of the hit-and-run variety, against petroleum installations. In the event of war, or im-

mediate threat of war, it is possible, though far from probable, that Venezuela might be persuaded to accept military assistance from the US. Such plans would, however, have to give due consideration to Venezuelan nationalism as was the case with the secret military agreement of 1942.⁵

While access to an adequate supply of petroleum is of outstanding importance to the US in its relations with Venezuela, the existence of tremendous iron ore reserves of unusual purity is potentially of strategic value to the US. The Iron Mines Company of Venezuela, a Bethlehem subsidiary, hopes to start shipping ore during the first half of this year. The Orinoco Mining Company, a new subsidiary of US Steel, has obtained concessions from the Venezuelan Government, and Republic Steel and the M. A. Hanna Company may also seek concessions. This important addition to the dwindling high-grade iron ore reserves in the US and the increase in US private investment in Venezuela (which already approximates \$1.5 billion) as well as the introduction of American personnel and methods into another section of Venezuela add to the importance of maintaining friendly relations. The development of this additional source of dollar exchange will likewise contribute to Venezuela's economic stability. It is US policy to encourage Venezuela to accelerate its economic development by maintaining its present policies which have attracted private direct investment from abroad, supplemented in appropriate cases by external public investment in the country. Investment from abroad should be regarded as ancillary to internal investment which should be the principal source of funds for economic development. In the granting of the iron-ore concessions the Venezuelan Government has given further indications of its desire to maintain a favorable climate for private foreign investment and to encourage free enterprise.

General Economic Policy. Costs in Venezuela have remained exceptionally high and labor in general is neither skilled nor especially eager to acquire modern techniques. In these circumstances few industries have been developed in Venezuela and those few such as textiles, vegetable shortening and rubber tires, are protected by high duties or quotas. Since merchandise became readily available in the US after the war, Venezuelan industrialists have demanded more stringent protective measures and the Government has resorted to an increasing number of quota restrictions severely limiting the importation of competitive foreign products.

⁵ Apparently the Staff Agreement of January 15, 1942, not printed. The Agreement was modified and put into effect by an exchange of notes at Caracas, January 28, 1943. For text of the latter, see *Foreign Relations*, 1943, vol. vi, pp. 793-794. Documents in file 731.56 for 1950 indicate that officers of the Department were uncertain as to what might then have been the legal status of this Agreement but were in any case not disposed to revive it.

Although we favor the development of a greater variety of agricultural and industrial production as a means to increased economic stability, we do not favor the establishment of manifestly uneconomic industries and we have endeavored to discourage the use of trade barriers, particularly quotas, as an instrument of protection for local industry. Despite the application of quotas to certain trade agreement items, the US has refrained from terminating the existing trade agreement since we did not wish to lose the advantages conferred by the agreement. Furthermore, while Venezuela's principal advantage in this trade agreement is the tariff concession granted on US imports of oil, it is realized that any step which places an additional burden on the Venezuelan oil industry affects American investments and that the well-being of this Venezuelan industry contributes to US security.

It is US policy to encourage Venezuela to accede to the General Agreement on Tariffs and Trade and to negotiate for tariff concessions under the terms of that agreement. However, the Venezuelan Government has felt that the only item of major importance in its export trade is oil and that it could not at this time expect to improve materially the concession obtained under the US-Venezuelan Trade Agreement. Moreover, during a time of protectionist sentiment in Venezuela, it would not be in a good position to offer concessions on its own import tariffs. In view of the current efforts of independent oil producers in the US to curtail imports, it is believed that any effort to enter into trade agreement negotiations with Venezuela on oil might result in the imposition by Congress of additional barriers to importation. Therefore our efforts have been directed more toward convincing the Venezuelans of the desirability of their eventual adherence to GATT than toward their participation in the forthcoming round of negotiations.

As a means of diversifying the economy of the country and developing additional sources of foreign exchange, as well as for reasons of national pride, the Venezuelan Government has encouraged the expansion of a Venezuelan merchant marine and civil air carriers. It is our policy to regard this development favorably provided the Venezuelan Government interposes no obstacles to free competition by American carriers for this international trade. Recently the increasing amount of cargo carried by the Venezuelan Navigation Company and the Gran Colombiana Merchant Fleet and their policy of undercutting Grace Line and other Shipping Conference vessels brought a threat of a rate war. The US used its good offices to bring all of the shipping interests together, and an agreement has been reached to permit non-conference shipping lines to compete on fair terms with the conference lines.

A bilateral air transport agreement was signed by Venezuela and the US in May 1948, but it has not yet received the necessary ratification by the Junta. While such agreements are normally ratified by Congress in Venezuela, the Military Junta, in the absence of any Congress, assumed the power to ratify the International Wheat Agreement. It is therefore assumed that similar action could be taken in this case and our Embassy has been informed of their intention to ratify shortly.⁶ We shall continue to urge the ratification and implementation of this agreement as a part of our effort to obtain more general acceptance of our aviation policy. We continue to urge the Venezuelan Government to concede fair operating conditions to American airlines and it is our policy to apply these same principles in granting permission for flights to the US by Venezuelan airlines.

Venezuela already has many of the factors which create a favorable climate for the investment of private foreign capital. A substantial source of dollar exchange, freedom from exchange control, the complete solvency of the Venezuelan Government, low-income tax rates, and freedom to withdraw foreign capital or earnings from the country are factors which have contributed to the existence of this favorable climate. The presence of an estimated \$2 billion of foreign investments in Venezuela (about three-fourths of which are American) testify to the existence of these conditions. It is US policy to encourage this flow of private capital to Venezuela for the economic development of the country as a means of creating a more balanced economy, greater economic stability, and an increasing market for American exports and the strengthening of Venezuela as an exponent of the free enterprise system. As an additional contribution to this favorable investment climate, we are encouraging the negotiation of a bilateral treaty for the avoidance of double taxation.⁷ The Venezuelan Government is prepared to negotiate, and Treasury Department representatives intend to visit Venezuela for this purpose at the earliest opportunity consistent with negotiations already scheduled with other countries.

It is also our policy to lend technical and financial assistance to Venezuela in a variety of fields. The IIAA, for example, has made a substantial contribution to the improvement of health conditions throughout the country. Training in the use of modern agricultural methods of research and production have improved utilization of the land and, in view of the dependence of three-fourths of Venezuela's population upon agriculture for a livelihood as well as the fact that Venezuela must import part of its food supply, such assistance is of particular importance. Technical aid has been rendered in connection with reclamation of land, hydroelectric development, coordination

⁶ Venezuela did not ratify this agreement.

⁷ No such agreement was concluded in 1950.

and improvement of transportation facilities, greater utilization of fishery resources, and a variety of other projects. It is our policy to continue and to expand this cooperation, upon the request of the Venezuelan Government, in whatever fields appear to be suited to this type of inter-governmental effort. It is also our policy to encourage private developmental enterprises and to supplement them with inter-governmental cooperation. The Export-Import Bank has so far extended to Venezuela credits amounting to more than \$52 million, of which about \$8 million has been used. On outstanding credits there is still available for disbursement approximately \$7.5 million. It is our policy to continue to support such loan requests wherever justified. However, the willingness of private foreign and domestic capital to invest in sound enterprises and the solvency of the Venezuelan Government which permits it to assist private industry ordinarily make unnecessary the use of US Government capital.

Encouragement of Democracy and Friendship for US. Venezuela still lives under the shadow of the 27-year iron-handed dictatorship of Juan Vicente Gómez. Since Gómez' death in 1935 Venezuela has been struggling to find her way to a representative form of Government which will reconcile the desire of the people for self-government with their complete inexperience in the art of self-government and their general lack of education. At the same time, the vested interests of less than five per cent of the population, which have an almost complete monopoly of the wealth, education and political experience in Venezuela, have shown no desire to encourage any rapid progress in the direction of government by the Venezuelan masses. Between 1935 and November 1948 there was nevertheless a steady growth of increasingly democratic government which finally reached the point where all citizens of both sexes, literate or illiterate, 18 years of age and over, were permitted to vote.

In November 1948 the democratically elected Government of President Gallegos was overthrown by a clique of military officers. After long consideration and consultation with the other American republics the US Government decided to continue relations with the Venezuelan Government. In so doing it informed the Military Junta that we had taken particular note of the Junta's declared intention to return as rapidly as possible to a democratic form of government and we also reminded the public that resumption of relations did not imply approval of the present form of government in Venezuela. Since the recognition of the Military Junta in January 1949, this Government has followed a policy delicately balanced between strict adherence to the basic policy of non-intervention in the domestic affairs of other governments and our desire to promote democratic processes throughout the world. We have tried to make our opposition to press censor-

ship, arbitrary denial of individual liberties and the suppression of trade union rights obvious by expressing whenever appropriate and opportune our dislike of such steps. We have expressed approval whenever steps were taken to liberate political prisoners or to prepare the country for a return to constitutional procedures. We tried for some time to avoid adding to the prestige of the military dictatorship by refraining from conferring upon it any marks of approbation such as the visit of high Venezuelan Army officers to this country and ceremonial visits of US military officers to Venezuela. The importance of maintaining good relations with Venezuela has forced us to recede somewhat from our ban on exchange of visits,⁸ but we have lost no opportunity to remind the Venezuelan authorities of our interest in the restoration of democracy and in the welfare of political prisoners.

While Venezuela has made some feeble motions in the direction of eventual return to a more democratic form of government, it continues to be clear that the Government is not sufficiently sure of its own position to risk an unhampered show of popular approval or disapproval at the polls. It seems quite possible that elections will not be held before the latter part of 1951.

As a means for encouraging the growth of democracy in Venezuela and for strengthening the friendship of the Venezuelan people toward the US, the USIE program has both short-range and long-range value. This program endeavors to present to the Venezuelans a picture of the US as a nation without imperialistic intentions and, on the contrary, with a feeling of active good will toward the Venezuelan people and a desire to strengthen the historic friendship between the two nations. It is also presenting a picture of the US as a country where democracy has made great progress and has been accompanied by a high degree of freedom and of economic welfare. It is not endeavoring to transplant American patterns onto Venezuelan soil, but rather to increase mutual understanding between the peoples of both countries and to enable the Venezuelans to adopt that which is best in American civilization to the Venezuelan cultural pattern.

The unusual problems presented for such a program by the tremendous US investments in Venezuela, the predominance of American technical and managerial skill in the production of oil upon which the Venezuelan Government and economy is largely dependent, and the residence in Venezuela of fairly large numbers of American citizens enjoying American standards of living, accentuate the importance of a carefully planned information program. A particular effort is being made to reach the labor element with this program. It is also our policy to encourage the American companies operating in Vene-

⁸ See the editorial note under date of July 7, *infra*.

zuela to pay even greater attention to their own programs for improved labor and public relations.

Other target groups of particular importance to the achievement of our objectives include the writers, journalists and other intellectuals, who tend at least to flirt with Communist ideas and whose conception of the US as a materialistic, unlettered civilization we wish to correct. It is our policy to alter these concepts through the various media such as exchange of teachers, journalists and others, the work of the Cultural Institute, and the distribution of American books. The teachers and students are two other groups particularly susceptible to Communist ideology and efforts are being made to present to them a clearer understanding of the value of democracy as applied to their own cultural and economic background.

We desire broad popular support in Venezuela for our policies because of the role which that country appears to be called upon to play in hemispheric defense. Venezuela has ratified the Inter-American Treaty of Reciprocal Assistance and has been disposed, both during and since the last war, to cooperate with the US in military matters. It is obvious that Venezuela's primary contribution to any future war involving the US would be to assist in assuring a steady flow of petroleum in maximum quantities for use in the war effort, and it is equally clear that this flow of petroleum might be interrupted unless domestic order and security were maintained. In this task, the Venezuelan Armed Forces would play an important part.

In addition to the maintenance of internal order, the Venezuelan Armed Forces may also, when our concept of their military role has been worked out by the competent agencies of this Government and agreement reached with the Venezuelans, be expected to be prepared to assist in protecting shipping in the vicinity of their coasts against possible enemy submarine attack and to be ready to repel raids against strategic installations.

Our Government has endeavored to assist the Venezuelans in improving the quality of their Armed Forces by furnishing Army, Air and Naval Missions, and it is the Department's policy that these missions should be continued. It is, however, the Department's policy that they should not serve as they have at times to stimulate demand for armaments not yet agreed upon as essential for hemisphere defense.

During World War II Venezuela acquired nearly \$4 million worth of military equipment under Lend Lease and settlement of this account has practically been completed. Further arms were sold to Venezuela under the Interim Arms Program but the lack of legislative authority for inaugurating an arms standardization plan and the relatively high cost of American arms have been responsible for the fact that Venezuela has acquired the greater part of its recent purchases of

arms from European countries, principally Great Britain,⁹ Belgium and Czechoslovakia. Unless we are willing to meet European prices on whatever arms Venezuela desires, it will continue to purchase wherever bargains are available. Despite predictions that such purchases would cause Venezuela to lose interest in our military missions, that Government has in fact during recent months requested increased personnel for those missions. Recently the passage of the Mutual Defense Assistance Act¹⁰ has encouraged the Venezuelan Government to believe it may be able to obtain additional arms from the United States.

[Here follows a statement regarding Western Hemisphere defense based on recent action of the National Security Council. Documentation on this subject is scheduled for publication in volume I.]

Until such time as Venezuela's defense role has been specifically set forth and agreed upon by both countries, it is our policy to scrutinize with great care all applications for export of armaments to Venezuela and to avoid encouraging any significant increase in Venezuela's military forces and equipment. In this connection this Government is taking into consideration the continuing unrest in the Caribbean area.

C. RELATIONS WITH OTHER STATES

No major friction has existed in recent years in Venezuela's relations with other states, with the exception of the Dominican Republic. This tension arose from the harboring of each other's exiles and reached its peak with a threat of possible hostilities under the Acción Democrática Government. It has nearly disappeared since the November 1948 revolution. Very recently Venezuelan resentment toward Cuba for permitting the Inter-American Conference for the Defense of Democracy to meet at Habana and for permitting a Cuban official to publish remarks insulting to the Venezuelan Junta caused a near-rupture in relations.

The present Venezuelan Government has held some fear of hostile action by a combination of AD exiles and the "Caribbean Legion," possibly operating from Guatemala, and may now fear the additional efforts of the Communist Party in conjunction with AD. The AD exiles are principally in Mexico, Puerto Rico and continental US, but the Guatemalan Government was very friendly toward AD and has not resumed relations with Venezuela since the 1948 coup. Chile and Uruguay have likewise not resumed relations. Our general policy in all these cases of friction has been to urge reliance upon established inter-American machinery for maintenance of hemispheric peace and

⁹ For the Department's attitude concerning British arms sales to Venezuela, see the memorandum of June 1 from Mr. Miller to John Foster Dulles, and the memorandum of July 20 by John W. Black to Wayne G. Jackson, scheduled for publication in volume I.

¹⁰ Approved October 6, 1949. See 63 Stat. 714.

solidarity, to oppose intervention by one state in the domestic affairs of another either directly or by aiding exiled groups and at the same time to make clear that we consider the denial of democratic rights by any country to its citizens inconsistent with the expressed ideals of the American republics.

Venezuelan relations with Colombia and Ecuador have been traditionally friendly. These three countries which once formed Gran Colombia have stressed their common cultural tradition and in recent years have endeavored to strengthen economic ties through such efforts as the Gran Colombian merchant fleet. Venezuela has been less enthusiastic than Colombia with respect to these efforts, but is a valued partner because of its large supplies of dollar exchange. The Quito Charter signed by Ecuador, Colombia, Panama and Venezuela in August 1948 envisages among other things a Customs and Economic Union. Only Colombia and Ecuador have ratified this Charter and the Venezuelan Foreign Minister has recently stated that while many useful steps may be taken by the newly organized Provisional Gran-colombian Economic Council, a customs union is not suitable between countries which lack complementary economies. It is our policy to favor developments which strengthen the economy of Venezuela, so long as they are not in conflict with our commercial policies and do not result in unfair discrimination against US enterprise.

Venezuela has maintained basically friendly, although not close, relations with its other large neighbor, Brazil. A recent affinity has developed with Perú as both military juntas came into power by *coups d'état*. In contrast, Venezuela's firm friendship with Haiti dates back to its struggle for independence when Bolívar received aid from Haiti.

Venezuela has, at times, desired the independence of the Netherlands West Indies from European rule but there has been no recent agitation. In the past Curaçao and Aruba have been a meeting place for Venezuelan exiles plotting their return to power.

Relations with Great Britain, which have been generally friendly, are affected chiefly by the presence of British oil companies (Shell subsidiaries) producing about one-third of Venezuela's oil. Recent British restriction on imports of dollar oil from Venezuela caused some resentment.

Venezuela maintains diplomatic relations with the USSR and Czechoslovakia. In presenting his credentials in Moscow some months ago the present Ambassador spoke in glowing terms of the Soviet Government, but it is believed that he does not carry much weight in Venezuela and that he did not reflect the views of his Government. While many who sought to overthrow Dictator Gómez were trained in Communist revolutionary methods, relatively few Venezuelans had, or have, the slightest interest in cooperating with the international objectives of the USSR. However, the principal Communist

Party, until recently outlawed, exerted an influence in organized labor and certain other groups, and it is assumed that it will continue to function as an underground movement.

D. EVALUATION

US policies have been successful in encouraging friendly cooperation between the Venezuelan Government and American oil companies and have thus created a favorable atmosphere for the continuance of US private ownership of the oil industry and have prevented any widespread demand for nationalization by the Venezuelan Government. It is important that this Government continue to use its best efforts to this end. We should also continue to encourage the economic development of Venezuela along present lines as representative of the effective functioning of the free enterprise system. In this connection the success of our technical assistance programs, encouraging the economic development and diversification of industry in Venezuela warrants not only their continuance but their expansion along the lines envisaged under the Point IV program. In fact, Venezuela affords one of the best opportunities for the effective use of Point IV.

Our efforts to guide the commercial policy of Venezuela along the lines of reduced trade barriers have been successful only to the extent that they have moderated the trend toward protectionism. In view of the importance to both countries of avoiding high US tariff barriers against Venezuelan oil, continued efforts should be made to impress upon the Venezuelan Government and public the necessity of avoiding high Venezuelan tariffs or restrictive quotas on imports of significance to US exporters. This is particularly true of items which are specifically covered by the US-Venezuelan Trade Agreement.

We have been successful, at least temporarily, in avoiding a rate war between Venezuelan and American shipping lines which would have been detrimental to the best commercial relations between the two countries. Our efforts to encourage the restoration of a greater measure of democracy have not been successful. Such few steps as Venezuela has taken in this direction can hardly be said to have been brought about to any substantial degree by US policy. Accordingly, taking into account the importance of strengthening Venezuela's friendship for the US and its cooperation with us in the furtherance of our international policies, we have recently been less outspoken in expressing our lack of enthusiasm for the present military dictatorship. On those occasions when Venezuela may take what appears to be substantial steps toward the restoration of democratic procedures, it may be possible for the US to express its approval in terms which will make clear our preference for a democratic form of government.

Our efforts to maintain and strengthen Venezuelan friendship at the government and upper-class levels have met with reasonable success.

The traditional friendliness of educated Venezuelans toward the US has been furthered by the USIE program. On the other hand much remains to be done, particularly in the direction of greater appeal to the laboring masses and among the students and writers, especially in view of the appeal of Communist propaganda to these groups.

The US Army, Air and Naval Missions in Venezuela have achieved a modicum of success in improving the standards of the Venezuelan Armed Forces. The unavailability and high cost of US arms compared with those of European manufacture have militated against standardization of Venezuelan arms along US lines. In view of urgent requirements of nonhemispheric countries, the Mutual Defense Assistance Act of 1949 makes it possible for Venezuela and other American Republics to buy from the US Government only limited amounts of military equipment and these must be paid for in full and in cash.

[Here follows further discussion of Western Hemisphere defense matters; see bracketed note, page 1037.]

Editorial Note

Documents in files 731.5622 and 731.5811 for 1950 indicate that on July 7, 1950, the Department, on the recommendation of Ambassador Donnelly, approved the extension by the Department of the Air Force of an official invitation to Lt. Col. Felix Roman Moreno, Chief of Staff of the Venezuelan Armed Forces, to visit the United States. Since the previous February the Defense Department had favored this invitation, partly for reasons of protocol and partly to stimulate the interest of the Venezuelan Government in United States jet aircraft.

Previously the State Department, while willing to approve the sale of such aircraft to Venezuela under certain circumstances, had wished to separate this issue from that of military visits, or at the least to ensure that Colonel Moreno's visit be under private instead of public auspices. In a memorandum to Mr. Miller of May 15, Willard F. Barber, Deputy Assistant Secretary of State for Inter-American Affairs, had said in part: "The Department has strong political reasons for not wishing to invite leading Venezuelan military officers to the United States. This is particularly true at the present time when the recent strikes in the oil fields and among other unions in Venezuela have revealed the deep and widespread dislike of the military government in Venezuela on the part of large sectors of the people." (731.5622/5-1550)

In recommending reversal of this policy, Ambassador Donnelly stated in part: "Since Air Force invited other chiefs LA air forces to visit US as their guests, I feel similar courtesy should be extended Moreno. I have some doubt he would accept invitation by private

interests, but he would be highly honored receive invitation from Air Force. Further he been led believe invitation would be extended by General [Hoyt S.] Vandenberg [Chief of Staff, United States Air Force]." Ambassador Donnelly added in part that Colonel Moreno was "definitely" friendly to the United States and that he would play an important role in plans for protecting the oil fields in the event of serious emergency and in implementing any program for joint action with the United States in case of war. (Telegram 12 from Caracas, July 6, 731.5811/7-650)

For the Department's policy regarding sale of jet aircraft to Venezuela, see the memorandum of June 1 from Mr. Miller to John Foster Dulles, Consultant to the Secretary of State, scheduled for publication in volume I.

On September 22 officials of the Departments of State and Defense met in Washington to discuss the security of Venezuelan petroleum installations and the possibility of holding conversations between the Venezuelan military authorities and representatives of the Caribbean Defense Command. It was noted that Colonel Moreno in his recent visit to Washington had presented lists of equipment desired by the Venezuelan armed forces and that a comprehensive reply was nearly ready to be delivered to him. (Information on Venezuelan military procurement is in file 731.5 and its subfiles.) It was generally agreed in the meeting that the Department of State would aid the Department of Defense in getting talks started.

In a letter of December 6 to Secretary Marshall, H. Freeman Matthews, Deputy Under Secretary of State, writing in behalf of Secretary Acheson, stated in part that Edward John Sparks, Chargé in Venezuela, and discussed the matter with Carlos Delgado Chalbaud, President of the Military Junta Government, and that on November 11 the former had stated that the Venezuelan Government had accepted in principle the "... proposed joint defense planning talks to be held at Panama." (731.56/12-650)

731.00/11-2850 : Telegram

The Chargé in Venezuela (Sparks) to the Secretary of State

CONFIDENTIAL
PRIORITY

CARACAS, November 28, 1950—2 p. m.

314. In formal note¹ Foreign Ministry informs me since death Delgado Chalbaud² left vacant presidency of Military Junta government and act constituting provisional government 24 November 1948

¹ Not printed.

² Assassinated November 13.

did not provide for filling vacancy, it has been necessary modify said act and designate person to exercise presidency. In conformity with act of yesterday Suarez Flamerich will fill vacancy, has taken oath and assumed charge. Foreign Ministry states Junta in future will be "Junta of Government of US of Venezuela."

While modification of Act of 1948 might possibly be construed as change in basic organization of provisional government, thus involving question of recognition. Ambassador Armour and I agree this question should not be raised. Our opinion is based on:

(1) Junta obtained Venezuelan armed forces agreement to modification;

(2) Appointment of civilian as president of Junta despite reported strong opposition in armed forces is decided step toward return to constitutional processes;

(3) Action apparently has broad acceptance throughout Venezuela;

(4) Statements of Pérez, Jimenez November 23 and Suarez Flamerich yesterday emphasized principal objective present last phase of Junta is restoration of republican institutions through elections to be held soonest with full guarantees to responsible political organizations acting within law.

In view foregoing we consider question of recognition should not be raised and we urgently recommend that I reply affirmatively to Foreign Ministry's note and that letters of credence for Ambassador Armour requested Embtel 308, November 27,³ be sent at once.⁴

SPARKS

³ Not printed.

⁴ In telegram 196 to Caracas, November 29, the Department stated: "Dept agrees ur conclusion no question recognition need or shld be raised and authorizes you ack FonMin's note." (123 Armour, Norman) Ambassador Armour presented his credentials and assumed charge of the Mission on December 7.

411.3131/1-551

The Officer in Charge of North and West Coast Affairs (Krieg) to Mr. Richard N. Johnson, Assistant to Mr. Averell Harriman, Special Assistant to the President

CONFIDENTIAL

WASHINGTON, January 5, 1951.

DEAR MR. JOHNSON: At the end of our recent telephone conversation, you suggested that I might supply you with background information regarding the connection between the Venezuelan Trade Agreement and the continued availability of Venezuelan petroleum and iron ore. In order to save time, I have not had this letter cleared with all the necessary divisions of this Department, so I must ask that you consider it as my own view rather than an official statement of policy.

In 1939, the United States negotiated a Trade Agreement with Venezuela which provided, among other things, that the Internal Revenue tax on imported petroleum would be reduced from 21 cents to 10½ cents per barrel on that portion of petroleum imports which did not exceed 5% of domestic refinery throughput for the preceding calendar year.

In 1942, a Trade Agreement was concluded with Mexico (effective in 1943) which provided for the reduction of the import tax to 10½ cents per barrel on all petroleum imported into this country without any limitation whatsoever. Both the Mexican and Venezuelan agreements cover crude petroleum, topped crude, fuel oil and gas oil.

Since the end of World War II, the Mexican Government felt itself unable to continue in force all the concessions which had been granted to the United States in the Trade Agreement, and for a period of two years or more this Government agreed not to insist upon compliance with all the provisions of the Trade Agreement. By last spring, however, it was felt that if the Mexicans could not comply with the agreement, it should be terminated, and such termination was agreed to by the Mexican and United States Governments to be effective December 31, 1950.

During the life of the Mexican agreement, all petroleum entered this country at 10½ cents a barrel in accordance with our policy of generalizing reductions in tariff and import taxes to all countries which have not been found to be discriminating against the United States exports. Now that the agreement is about to end, the tariff quota provision of the Venezuelan agreement will again become effective. As soon as the Venezuelans learned that the Mexican agreement was to be terminated, they requested that we consider negotiating a new trade agreement with them which would continue in effect the 10½ cent rate on all petroleum imports. The Department indicated that there were a number of obstacles in the way of such renegotiation. In the first place, it has been our policy not to renegotiate bilateral trade agreements except within the framework of the General Agreement on Tariffs and Trade.¹ Furthermore, a negotiation centering around oil was felt to be politically dangerous in view of the efforts which had been made last spring in Congress to place quantitative restrictions as well as drastically increased taxes on imported petroleum. The Trade

¹ However, in telegram 188 to Caracas, November 22, the Department had said in part: "Prelim discussion matter Nov 16 by [Trade Agreement] Comite strongly reemphasized US inability give any commitment re modification existing agreement or be party tacit understanding this p[oin]t. However sense of discussion on US policy re bilaterals outside GATT was that policy wld not stand in way of amending TA with Ven to permit reduction in duties on both sides on limited nr products. This latter re policy on bilaterals shld not be made known to Ven. TAC has taken position that almost any statement that might be made to Ven, even along above lines, wld almost inevitably be subject to interpretation as commitment negotiate if used by Vens to explain acceptance return to 1939 agreement position." (411.3131/11-1950)

Agreements Act is coming up for renewal in the new Congress, and it was feared that opposition to the renewal might be substantially increased by negotiating on oil, very possibly to the point where the measure would fail of enactment. These considerations were explained to the Venezuelans, and it was pointed out to them that we could not give any commitment to negotiate at a later date since, should such a commitment become known, it would be justifiably resented by Congress with probable disastrous results with the renewal of the Trade Agreements Act.

The Venezuelans replied that, although they understood our difficult position, they too were under great pressure from domestic interests to terminate the Agreement and increase protection on domestic manufacturers, and that unless they could be assured that we would negotiate in the near future, they would reluctantly be compelled to suggest terminating the Agreement.

We have learned unofficially that the Venezuelans' pride has been offended because we granted to Mexico in 1942 more favorable treatment than we had been willing to grant Venezuela in 1939, despite the fact that Mexico had expropriated the foreign-owned petroleum industry whereas Venezuela had always welcomed foreign capital. They were doubly offended that we were not now willing to renegotiate the agreement, especially in view of the international emergency which, in their opinion, should greatly facilitate the granting of the concessions they desire. As a matter of fact, in spite of the emergency, Texas production is still cut-back 300,000 barrels per day from the high point it reached last September so that it may be anticipated that there will be considerable political opposition to a reduction in the tax even though it can not be shown that this will actually result in any increased quantities being shipped into the American market.

The question therefore resolves itself into a matter of politics, not economics. I and my colleagues feel that it is extremely important that we retain the good will and cooperation of Venezuela. There has long been a strong undercurrent of feeling in that country in favor of the nationalization of the petroleum industry, even though it is generally recognized that its operation by the Venezuelan Government would be less efficient than under foreign management. The Venezuelans resent the fact that their major resource is being drained away by foreigners and that foreigners in this way control the economic destiny of their country. It may be expected that the companies engaged in extracting iron ore will encounter the same feeling.²

² Mr. Thomas C. Mann, Deputy Assistant Secretary of State for Inter-American Affairs, had emphasized the relationship of oil and iron ore issues in a meeting of December 22, 1950, at which Mr. Miller, Willard L. Thorp, Assistant Secretary of State for Economic Affairs, and a number of other officials

Since 1945, no new concessions for the exploitation of petroleum have been granted by the Venezuelan Government. In order to insure an adequate supply for present and future emergencies, our Government feels that a vigorous program of exploration and exploitation should be carried on constantly. In order to obtain the cooperation of the Venezuelan Government in granting new concessions, in expediting the work of the steel companies, and in retarding the trend toward nationalization, we feel it desirable to do everything we possibly can to show the Venezuelans that we are genuinely cooperating with them, that we are not discriminating against Venezuela in favor of Mexico or any other country, and that we do take their political necessities into consideration in shaping our policy.

Over and above the particular reasons mentioned above for maintaining good relations with Venezuela, we are, as you know, preparing for a meeting of the Foreign Ministers of all the American Republics; the purpose of which, in broad outline, is to secure their cooperation in the defense effort. In view of the serious threats to our security which the country is now facing, we feel it more important than ever to maintain and increase hemispheric solidarity. We are going to need the assistance of all the Latin American countries even more than we did in the last war, and it is therefore especially important that the Venezuelan Government should be convinced of our desire to reciprocate their cooperation before the Foreign Minister comes up to Washington.

For these reasons, every effort has been and is being made to find a way out of this dilemma. The idea of a statement to the Venezuelans indicating that while the time was not appropriate for negotiations now, we would keep the matter under continuous consideration, has been rejected by the Inter-Departmental Trade Agreement Committee.³ At the time this is being written, serious thought is being given to grasping the nettle and sounding out key members of Congress to ascertain their reaction to a negotiation for the possible amendment of

had been present. Mr. Mann had mentioned that a secret poll conducted by Standard Oil Company of New Jersey had indicated 70 percent of Venezuelans desired petroleum to be nationalized. One might expect similar resentment against foreign companies which were beginning the exploitation of iron ore. Everything possible should be done to convince the Venezuelans the United States desired to cooperate with them. Sr. Gomez Ruiz had clearly indicated that the key to Venezuelan cooperation at the forthcoming Foreign Ministers meeting lay in the Trade Agreement. Messages from Ambassador Armour that had stressed the importance of the Trade Agreement to relations with Venezuela should be taken at their full weight. (Memorandum of conversation by Mr. Kreig, 411.3131/12-2250)

Documentation concerning the Fourth Meeting of American Ministers of Foreign Affairs, held in Washington March 26 to April 7, 1951, will appear in a forthcoming volume of *Foreign Relations*.

³At a meeting held in Torquay, England on December 21. TAC was sitting at Torquay in connection with the Third Round of Tariff Negotiations under GATT, then being conducted at Torquay.

the Venezuelan Trade Agreement.⁴ After their views have been obtained, a decision will be made whether to give notice of public hearings on a possible reduction of the tax on imported petroleum to 10½ cents.

When we were talking the other day, I mentioned the possibility that the President might have powers under the emergency to reduce or suspend import duties and taxes on items required for the defense effort. The prevailing opinion around here now is that the President does not have such power, and some tentative drafts of legislation have been prepared for submission to Congress which would authorize him to take such action. We do not think the chances are this will be favorably acted upon by Congress in time to satisfy the Venezuelans. Furthermore, it may be difficult to allege that oil is in short supply because, for the moment, supplies are adequate. What we are worried about is the future, not the immediate situation.

I hope that I may have the pleasure of discussing this question with you again, and that you will not hesitate to let me know if you desire any further information.

Sincerely yours,

WILLIAM L. KRIEG

⁴ This decision had been taken at the meeting mentioned in footnote 2.

811.2553/1-2251

*The Assistant Chief of the Petroleum Policy Staff (Moline) to the
Counselor of the Embassy in Canada (Willoughby)*

SECRET

WASHINGTON, January 22, 1951.

OFFICIAL INFORMAL

DEAR WOODY: We were told last week by the Canadian Desk that you were feeling neglected in the matter of information regarding the tariff quota on petroleum, and the general oil situation as it developed in connection with the termination of the Mexican Trade Agreement. This letter is for the purpose of summarizing the developments since mid-1950 and to give you for your own information some inkling of what may happen.

Last summer when the termination of the Mexican Trade Agreement was in prospect (and I suppose one would have to acknowledge that the pressure for restrictions on imports was a factor in the final decision to terminate as we did) a Subcommittee of the Petroleum Policy Committee examined the question of allocation or non-allocation of the quota. It was the decision of the Subcommittee, consisting of Commerce, Defense, Interior, and State, that it would be better not to allocate the quota. By and large the reasons were traditional which in the case of oil translated into the increasing importance of Middle

East shipments to the United States, the prospective importance of Canada which had no historical position in our oil import trade, and the greater administrative ease of operating without allocations.

At the same time, however, it was also recommended that if non-allocation should prove to be unacceptable for any important reason, the allocations should be on a basis which would be defensible and yet would favor the Western Hemisphere, and in particular take care of the prospective shipments from Canada. Reasoning of the latter sort led to the conclusion that the 1946-1949 period was the most representative of the several which were considered. Later consultation with Venezuela established that it was the only period having any pretext of representativeness which would have been acceptable to Venezuela.

Our ideas on non-allocation did not last long. When they were made known to Venezuela in September, if I recall correctly, the Venezuelan Government told us firmly that under no circumstances was non-allocation acceptable, and it was far from clear whether a return to the 1939 agreement would be satisfactory. Despite extensive discussion, and the presentation in detail of all the arguments we could think of, we were never able to change the Venezuelan view. The Venezuelans desired immediate renegotiation or the amending of its 1939 agreement in order to maintain the rates which had prevailed since 1943 under the Mexican agreement. The Trade Agreements Committee was firmly opposed to such amendment, not only because the bilateral negotiations conflicted with the US policy on bilaterals as it had been outlined to other countries, notably Switzerland, but also because it was feared that negotiations involving oil would seriously prejudice renewal of the Trade Agreements Act.

To make a long story short, Venezuela came very close to denouncing our trade agreement, and even today it is questionable how long it can be continued in effect unless we are prepared in the near future to give some firm undertaking regarding its amendment. In agreeing to continue the trade agreement in effect for a while¹ Venezuela asked that 85 per cent of the quota (65 per cent Venezuela, and 20 per cent NWI) be allocated to Venezuelan oil. They referred to their original contention expressed in 1939 that they were entitled to 100 per cent of the low duty oil. They also referred to the allocations when the tariff quota was previously applicable when Venezuela and the NWI had 90 to 92 per cent of the quota. We countered these requests by reference to the 1946-1949 period which gives to Venezuela and the NWI a larger share of the imports than in any other recent period.

¹ In telegram 289 from Caracas, November 19, 1950, Chargé Sparks had stated in part: "I saw Reyna, Director Economic Policy Foreign Office, today at his request. He said in view political situation which has developed and resulting difficulty obtain decision terminate TA, Venezuelan Government accepts allocation 5 percent oil quota." (411.3131/11-1950)

To whatever degree there is any discrimination in the selection of these years it falls on the imports from Kuwait and Saudi Arabia, whose oil moves to the US quite independently of the tariff in line with decisions of the companies concerned.

In addition, it was decided to limit the allocations to Venezuela and the NWI, lumping everybody else into an "all other" category. This selection not only reemphasized our concern with specifically providing for Venezuelan oil, but also took care of the oil of the only suppliers, excepting Iran, with whom we had trade agreements, and at the same time reserved 21 per cent of the quota within which Canada might compete. Iran, incidentally, waived her rights to a specific allocation. In passing, it might be noted that Canada, having its pipeline connection with Superior, Wisconsin, should be able to obtain a good share of the 21 per cent "all other" category.

Immediately after the declaration of a national emergency, Venezuela made it known that in its view there was no longer any reason why the US should long delay modifying the trade agreement. In view of its internal political situation which is acknowledged by the Embassy at Caracas and by ARA to provide a legitimate basis for the Venezuelan insistence on modification or termination of the agreement, it has been considered necessary to try and work something out which will keep the agreement in existence. Consequently, the Department has consulted with House leaders and two or three of the Senators regarding the effect on trade agreement renewal of amending the trade agreement with Venezuela in the near future. It has been decided that we should get a clean bill out of the House, where hearings start today, and thereafter make known to the Venezuelans our willingness to modify the existing agreement. Whether that willingness will be expressed in terms of an actual notice to negotiate as quickly as possible or whether it will be an indication which the Venezuelans can use publicly as an assurance to the Venezuelan public that something will be worked out later, I do not know.

The Trade Agreements Committee still has not approved negotiations with Venezuela or a public announcement which can be taken as an assurance of our willingness in this respect. We have kept them informed and will ask them for definite approval on a course of action strong enough to satisfy the Venezuelans as soon as we have a clean bill out of the House, and assuming that other Senators who are still to be consulted agree that positive action of the kind I have been describing will not increase the jeopardy to getting renewed trade agreements authority from the Senate.

The foregoing is a rambling account, I realize. In my haste to get something off to you, it also probably lacks many of the nice distinctions which have characterized our communications with Caracas, Torquay, and discussions within the Department on the subject. It is

reasonably accurate, however, and to an old hand with your commercial policy background, it will, I hope, be satisfactory and meaningful.

With best regards,

Sincerely,

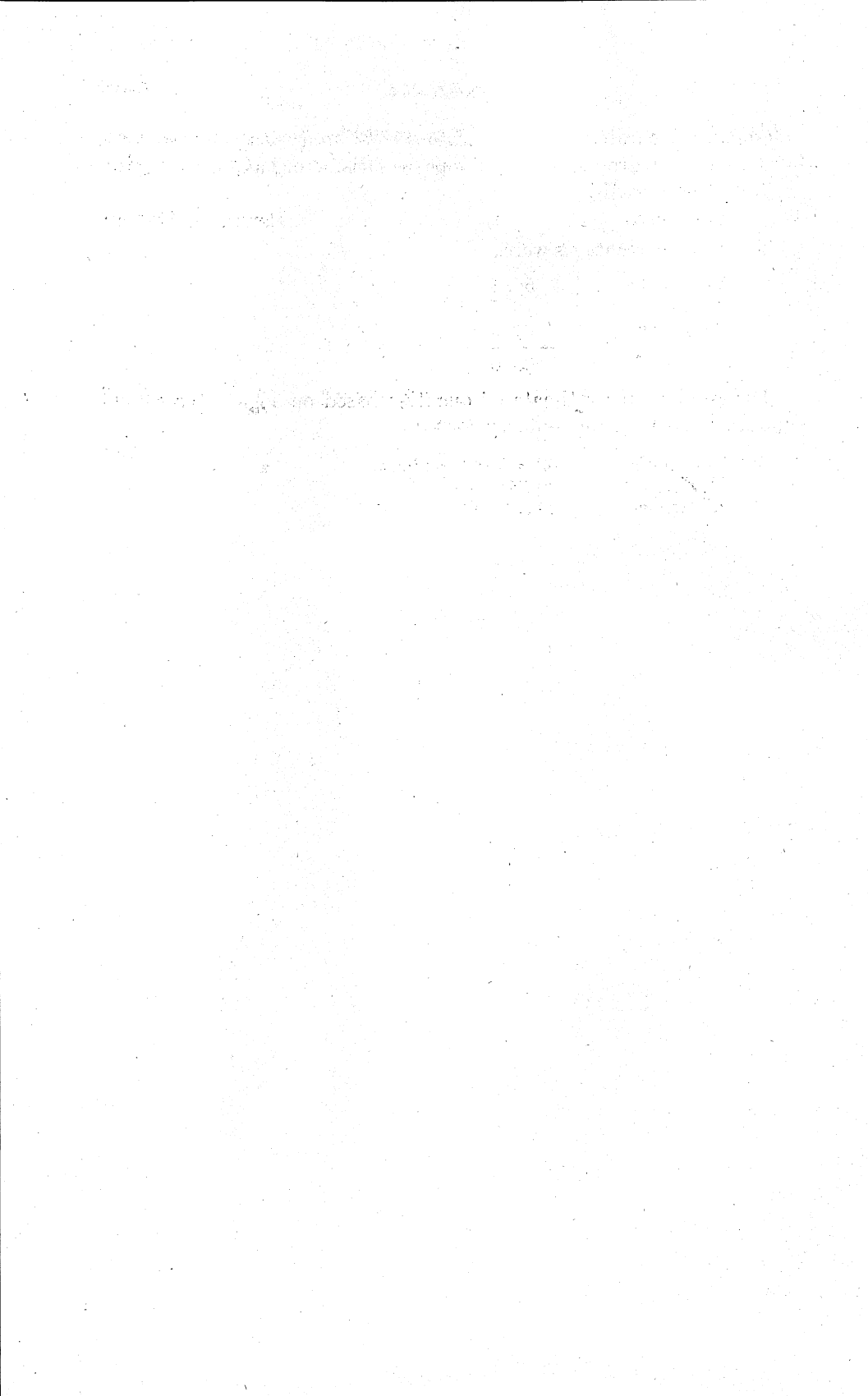
EDWIN G. MOLINE

The quota percentages were:

Venezuela	59.4
N.W.I.	18.7
All other	21.9
	<hr/>
	100.0

The preliminary estimate of quantity based on 10 months actual and 2 months estimated refinery runs is:

Venezuela	62,073,000 barrels
N.W.I.	19,541,000 "
All other	22,885,500 "



INDEX

XIV

INDEX

Abbink, John U., 594, 757-759

Acheson, Dean G.:

American Republics, U.S. policy toward the, 589, 594*n*, 596, 598, 619, 624, 627, 631, 656-657

Argentina, U.S. relations with, 707-708, 710-711, 713-715, 717*n*, 727-728, 730, 743

Atomic energy, international control of, 236

Bolivia, U.S. relations with, 744, 746, 752-753

Brazil, U.S. relations with, 757*n*, 759-760, 770, 773*n*, 774-781

Canada, U.S. relations with, 583-584

Caribbean area disputes, U.S. interest in peaceful settlement of, 641, 642*n*, 644, 649-650, 661, 666

Chile, U.S. relations with, 783, 788-791, 793-797, 800-801

Chinese representation in organs of the United Nations, U.S. policy regarding, 186-187, 189-191, 194-198, 200-205, 207, 209-210, 214-217, 219-220, 223-226, 238, 243-244, 245, 247-261, 264, 267-268, 287, 290-292, 294-296, 301-302, 372

Colombia, U.S. relations with, 807, 814, 816, 831, 835

Foreign Ministers' meetings: London, 245; New York, 391*n*

Guatemala, U.S. relations with, 867-870, 884-887, 914, 917-919

Haiti, U.S. relations with, 933-935

Indians in South Africa, treatment of, 562-564, 570, 572-573, 575

Institute of Inter-American Affairs, 680

Inter-American Economic and Social Council, 675

Korean conflict, 254*n*

Lie Twenty-Year Peace Plan, 371-373, 379, 382-385, 387, 389-391

Mexico, U.S. relations with, 936-939, 965*n*

Organization of American States, U.S. ratification of the Charter of the, 639-640

Pan American Society, speech of Sept. 19, 1949 to, 590

Panama, U.S. relations with, 969, 972

People's Republic of China, non-recognition of, 241

Peru, U.S. relations with, 982, 997-1000, 1002-1003, 1005

South West Africa question, 474-481, 492-494, 497, 501-502, 505-507

Acheson, Dean G.—Continued

Soviet military and political activities, 206

Soviet peace propaganda proposals, 404, 409-410, 413, 415-416, 419, 423-424

Soviet Union, U.S. policy toward, 229

United Nations, U.S. policy toward, 8

U.N. General Assembly: Elections to U.N. organs, 87, 90, 92-93, 116-118, 121-122, 124; U.S. policies regarding matters before, 6-24, 182; "Uniting for Peace" Resolution, 303, 307-308, 310-326, 335-338, 344, 346, 350, 352-355, 357, 359, 366-370, 397*n*; Yugoslav peace proposal, 426-428, 430-432.

U.N. headquarters agreement, matters concerning, 55-65, 72-75, 78

U.N. membership, 178-179, 182-183, 215-216

U.N. Secretary-General, reappointment of, 98-99, 119, 121, 123, 125-126, 130, 132-134, 146-155, 156*n*, 157-161, 163, 174-175

U.N. Security Council special meeting with Foreign Ministers as representatives, Lie proposal for, 230, 232

U.N. specialized agencies, U.S. contributions to, 90-92

U.N. trusteeship and non-self-governing territories, matters concerning, 434-440, 471-472

Uruguay, U.S. relations with, 1009

Venezuela, U.S. relations with, 1022-1024, 1041

Ackerman, Ralph H., 660*n*, 664*n*, 665-667

Adams, John Quincy, 614-615

Afghanistan, 37, 309, 432, 522

Afnan, 579

Africa, 687, 764, 767, 769

Aggression, proposals for prevention of. *See under* United Nations: General Assembly and *under* United Nations: Security Council.

Agriculture, U.S. Department of, 964, 1022

Air Force, U.S. Department of the, 597, 1040-1041

Albania, 15, 37, 293

Alemán Valdes, Miguel, 761, 946, 950-951, 953, 959*n*, 960-961, 965*n*, 967, 968*n*

- Allen, Roger, 195-196
 Allen, Ward P., 25, 96-97, 117, 324ⁿ, 406, 472ⁿ, 562, 564, 567
 Allessandri, Jorge, 785, 787
 Allison, John M., 25
 Alvarado Fuentes, Roberto, 924
 Alvarez, Alberto I., 212
 Amerado Petroleum Corporation, 985ⁿ
 American Airlines, 945
 American and Foreign Power Company, 697-698, 704, 708-711, 716, 718, 720, 722, 761
 American Independent Oil Company, 985
 American Motion Picture Association, 716
 American Republics (*see also under* United Nations: General Assembly: Country positions):
 Caribbean area disputes (*see also under* Organization of American States: Council: Provisional Organ of Consultation):
 Costa Rica-Nicaragua dispute, 642
 Cuba-Dominican Republic dispute, 643ⁿ, 651ⁿ, 652-656, 658, 661, 663
 Guatemala-Dominican Republic, 643ⁿ, 651ⁿ, 652-656, 661, 666
 Haiti-Dominican Republic, 641-656, 658, 661
 U.S. support of inter-American collective action for the peaceful settlement of, 625, 641-669, 1037
 U.S. suspension of arms shipments to disputing parties, 661
 Caribbean Legion, activities of the, 845, 848-849, 899-900, 912-913, 923, 1037
 Communist activities, 592-593, 603-609, 624-625, 669, 695, 697
 Currency devaluation, economic effects of, 675, 679
 Discrimination against U.S. business, 672-673
 Economic Cooperation Administration, offshore purchases by the, 593
 Economic development, 594
 Financial problems, 593
 Foreign Ministers' Conference, proposed, 627
 Foreign Ministers' Meeting at Rio de Janeiro, 1942, 790
 Good Neighbor Policy, 626, 884
 Gran Colombiana Economic Conference at Quito, 1948, 827
 Gran Colombiana relationship (Ecuador, Colombia, Panama, and Venezuela), 811-814, 826-827, 861, 978
 Korean conflict, participation in the (*see also Korean subheadings under* Argentina, Colombia, Ecuador, and Guatemala), 670
 American Republics—Continued
 Lend-lease credits, 610
 Leticia settlement of Amazon frontier, 1933, 827
 Nonintervention policy, 618, 623, 652, 658, 660, 817, 820, 829, 852, 853ⁿ, 861, 871, 873-874, 885, 906, 975, 1027, 1034
 Pan-Americanism, 620-621
 Peaceful settlement of disputes, inter-American collective action for the, 641-668
 Political asylum, questions regarding, 653, 994-995, 1007
 Private investment, 594-595
 Recognition policy of the United States, 592
 Security problems, 596-597
 Strategic and critical materials, role in U.S. program for stockpiling of, 628, 631-632, 634
 Strategic importance to the United States, 599-600, 628, 632
 Surplus property credits, 610
 Technical assistance (*see also* U.S. technical assistance, *infra*), 673, 675, 678-679
 U.S. Defense Mobilization Program, economic effects of, 687-690
 U.S. economic and financial assistance, 609-610, 613, 623, 626, 630-632, 634, 678, 686-688, 810
 U.S. information and educational exchange program, 626, 628, 632-633
 U.S. military assistance, 597, 627ⁿ, 628, 632, 635, 670, 768, 821ⁿ
 U.S. naval vessels, sale of, 775ⁿ, 798ⁿ
 U.S. policy toward, 589-637, 765ⁿ, 770
 U.S. private investment, 609-613, 623, 631
 U.S. technical assistance, 595-596, 610, 612-613, 626, 628, 631-632, 634, 678, 680-681, 687, 830, 917ⁿ, 918ⁿ
 U.S. trade relations with, 609-611, 636
 American Smelting and Refining Company, 751
 American States, International Conference of (Ninth), Bogotá, Mar. 30-May 2, 1948, 625, 676, 819, 837ⁿ
 American States, Organization of. *See* Organization of American States.
 Anderson, Clinton P., 957
 Anderson, Eugenie, 56
 Anderson, James F., 103
 Anderson, Roger V., 778, 787
 Arab League, 21, 98, 108-109, 116, 118, 128, 286
 Arab states, 29ⁿ, 44, 107, 111, 116-117, 164-165, 286, 344, 534, 536, 558, 686
 Arabian American Oil Company, 902

Aram, G.A., 95-96, 109-110
 Arana, Col. Francisco Javier, 875, 923-924
 Arango, Eliseo, 812
 Arbejas, 875
 Arbenz Guzman, Col. Jacobo, 870-875, 885, 889, 904, 908, 915, 921-925, 929-931
 Ares, Antonio, 725
 Ares, Roberto A., 710, 735-738
 Arévalo, Juan José, 865-867, 870, 872-873, 875, 878, 886, 888, 898, 901, 904-909, 911-912, 915-916, 918-923
 Arey, Hawthorne, 718
 Argentina (*see also* *under* United Nations: General Assembly: Country positions):
 Air routes, negotiations with the United States concerning, 717
 Anti-American attitudes, 703
 Braniff Airlines, landing rights for, 698, 704, 707, 729
 Brazil, relations with, 714, 721*n*, 732, 759, 1017
 Chile, relations with, 714
 Communist problem, 695, 697, 726, 732, 1021
 Consortium of private U.S. banks, agreement for credit from, 716, 718-719, 725, 727-729
 Discrimination against U.S. business, 673
 Dollar indebtedness problem, 695, 702-703, 705-706, 709, 712
 Economic and financial situation, 702, 706, 712, 719-720, 739
 Export-Import Bank loan, proposed, 691-692, 695, 699, 701*n*, 704-709, 711-715, 718-726, 728-731, 733-735, 742, 761, 766, 775, 810
 Expropriation of U.S. property, 692, 697*n*, 698*n*
 Food and Agriculture Organization, proposed membership in, 693, 721
 Friendship, commerce, and economic development treaty with the United States, proposed, 697, 701*n*, 703-705, 707, 717, 720-722, 743
 Good offices in Peruvian dispute with Colombia, proposed, 997-998, 1000
 Inter-American Treaty of Reciprocal Assistance, ratification of, 693, 696, 721, 728-729, 732
 International Bank for Reconstruction and Development, proposed membership in, 721
 International Monetary Fund, proposed membership in, 721
 Investment, American, treatment of, 722-723
 Joint Argentine-United States Committee on Commercial Studies, 695, 699, 703

Argentina—Continued

 Korean conflict, support for U.S. action in, 730*n*, 731-732, 733*n*, 742
 Meat packing companies, American, difficulties of, 693-694, 697-698, 704, 707-708, 710, 729, 735-738, 740, 743
 Motion pictures, American, import permits for, 694, 708, 711, 716, 729
 Pan American Airways, dollar transfer problem for, 695, 698, 707-708
 Pan American Grace Airways, dollar transfer problem for, 695, 698, 704, 707, 729
 Petroleum companies, American, problems concerning, 694-695, 697-698, 704, 707-711, 729, 739
 Political influence in Latin America, 591, 596-597, 621
 Political situation, 702-703
 Rio Protocol between Ecuador and Peru, 1942, guarantor of, 860
 Subsidiaries, American and foreign, difficulties of, 697-698, 704, 708-711, 716, 718, 720, 722, 740
 Taxation, double, agreement with United States, *July 20, 1950*, 717*n*
 United Kingdom, trade negotiations with, 702, 708-709, 721*n*, 731, 741-742
 U.N. Economic Commission for Latin America, policy toward, 682
 U.N. Trusteeship Council, member of, 119
 U.S. military supplies and naval vessels, requests for purchase of, 729
 U.S. political and economic relations with, 626, 629, 691-743, 758, 786, 810*n*, 1013
 Uruguay, relations with, 596-597, 1013-1014, 1016-1017
 Visit by Assistant Secretary of State Miller, 692-701, 703
 World Health Organization, proposed membership in, 693
 Arias, Arnulfo, 592, 969-971, 975-976
 Armour, Norman, 1042, 1044*n*
 Armour Meat Packing Company, 693, 738
 Army, U.S. Department of the, 788-790, 970*n*
 Arnold, Elting, 718, 963
 Arnold, H. A., 725-728, 733*n*
 Artigas, Gen. José Gervasio, 1009
 Arutiunian, Amazasp A., 78
 Asia, 767
 Asia, South (*see also* Southeast Asia), 260, 629, 686
 Asian states, 399
 Atlantic Union, 3

- Atomic energy, international control of.
See under United Nations, United Nations: General Assembly, and under United Nations: Security Council.
- Atomic weapons, proposed prohibition of (*see also under United Nations: General Assembly*), 396-397
- Atterberry, Phil R., 963
- Attlee, Clement, 229, 314, 378, 382, 387, 480-481
- Atwood, Rollin S., 724*n*, 750, 754*n*, 832*n*
- Austin, Warren R.:
Caribbean situation, address in Habana, Jan. 28, 1950, 649*n*
Chinese representation in organs of the United Nations, 186-194, 201-202, 207-209, 212, 243, 247-249, 251, 253, 267-271, 274, 285, 294-296
Human rights, matters concerning, 516-517
Indians in the Union of South Africa, treatment of, 562-563, 570-575
Lie Twenty-Year Peace Plan, 390
South West Africa question, 492-493, 497, 500-503, 505-508
Soviet peace propaganda proposals, 396-397, 403-405, 409-415, 419-420, 423-425
U.N. General Assembly elections, 87, 90, 93-94, 125, 127, 128*n*
U.N. headquarters agreement, matters concerning, 47*n*, 55, 74-80
U.N. membership questions, 178, 181-183
U.N. Secretary-General, reappointment of, 98-101, 119-121, 123, 130-132, 134-141, 143-148, 150-151, 156, 158, 160, 163, 165, 168-176
U.N. Security Council special meeting with Foreign Ministers as representatives, Lie proposal for, 230
U.S. Mission to the United Nations, Chief of the, 2*n*, 24
"Uniting for Peace" Resolution, development of and negotiations concerning the, 303-307, 312-313, 317, 331-333, 348, 351, 353-355, 357-358, 368-369
Visit to Latin America, 591
Yugoslav peace proposals, 426-433
- Australia (*see also under United Nations: General Assembly: Country positions*), 11, 98, 106-107, 109, 119, 446*n*, 452-453, 456, 761, 763
- Austria, 37, 183*n*, 221, 372, 545
- Austrian peace settlement or treaty, 374, 381
- Azkoul, Karim, 529-530, 579
- Bacon, Ruth E., 25, 245-247, 472*n*
- Baez, Maruicio, 668
- Bajpai, Sir Girja, 120, 151, 247, 248*n*, 313, 334*n*, 356
- Balfour, Sir John, 741*n*
- Baltra, Alberto, 685-686
- Bancroft, Harding F., 25, 132-133, 135-136, 231-233, 242, 291-292, 294-295, 343-345, 355, 357-358
- Bao Dai, 234
- Barber, Willard F., 231*n*, 589*n*, 648*n*, 650, 653*n*, 662*n*, 677*n*, 829*n*, 876*n*, 877, 880*n*, 907, 932*n*, 942, 957*n*, 965*n*, 997*n*, 1002, 1028*n*, 1040
- Baroody, Jamil, 579
- Barett, Edward W., 231*n*
- Barrett, John A., 865-866
- Battle, Laurie C., 590
- Battle, Lucius D., 27, 72, 158, 642*n*, 661, 662*n*, 936*n*
- Bauer Paiz, Alfonso, 883, 911
- Bay, Charles Ulrick, 253
- Bayard, Thomas F., 614
- Beaulac, Willard L., 802-814, 816-817, 830-839, 998, 1004*n*, 1007
- Beauvoir, Vilfort, 646, 655
- Bebler, Ales, 137-138, 167, 183, 188, 211, 225-226, 310, 412, 418-419, 421-422, 428-429
- Bechhoefer, Bernard G., 25
- Belaunde, Victor Andres, 127, 1003, 1006
- Belgium (*see also Belgian trust territories and Washington conversations under United Nations: Trusteeship and non-self-governing territories*), 105-107, 119, 265, 403, 446*n*, 452, 542, 544, 546, 549-551, 1037
- Belize (British Honduras), 925*n*, 926-927, 928*n*
- Bell, Bernard R., 799
- Bell, Mary Kathleen, 96
- Beltrán, Pedro, 986
- Bender, Albert F., 28
- Benelux countries, 97, 327, 356, 544, 580
- Bennett, Henry G., 681
- Bennett, William Tapley, 25, 876*n*, 880*n*, 972*n*
- Berckmeyer, Fernando, 984-986, 996, 1001, 1003, 1006
- Berendsen, Sir Carl, 127
- Berlin question, 29*n*, 46, 217, 221, 303, 381, 555, 627*n*, 828
- Bermudez, Antonio J., 951, 959*n*, 960
- Bernandino, Felix W., 659*n*, 663-664, 668
- Berry, Burton, 110-112, 125, 472*n*
- Betancourt, Rómulo, 827
- Beteta, Ramón, 951, 959*n*
- Bethlehem Steel Company, 762*n*, 1031
- Bevin, Ernest, 72, 88, 117, 146, 148*n*, 151-153, 220, 229, 245, 254-262, 287, 314, 340, 356, 382, 387, 391*n*, 440
- Bidault, Georges, 378, 382, 387
- Bieri, Vice Adm. B. H., 26

- Birgfeld, Clarence E., 708ⁿ, 715, 725-727, 734-735, 739-743
 Bissell, Richard M., 963
 Bitterman, Henry J., 718
 Black, Eugene R., 762-763, 771, 776, 778, 781, 799, 985
 Black, John W., 1037ⁿ
 Blanchard, Lee B., 28
 Blanco, Carlos, 143ⁿ, 150-151, 155ⁿ, 161-163, 166-167
 Blau, Clarence I., 718
 Blickenstaff, David, 176
 Bokhari, Ahmed S., 579
 Bolivia: American Smelting and Refining Company, operations of, 751; anti-Communist pact, proposed, 662; Argentina, relations with, 596-597; Catoni mine killings, judicial proceedings concerning, 746-747; *Compagnie Aramayo de Mines en Bolivie*, 754ⁿ; copper mining, 751; Economic Cooperation Administration, attitude toward, 745; economic situation, 744-756; exchange decree of Aug. 11, 1950, 750-754; Export-Import Bank credits, 745, 749ⁿ, 810, 953; Foreign Bondholders Protective Association, 1948 agreement with, 755-756; Foreign Ministers' Conference on Communist activities, proposal for, 625; International Monetary Fund Mission, 745; lend-lease settlement arrangement, payments on, 756; Patiño Mining Group, 745ⁿ; political situation, 591-592, 596; request for foodstuffs and equipment from the United States, 748-749; South American Minerals and Merchandise Corporation, problems of, 750-752, 754ⁿ; tin contract with the Reconstruction Finance Corporation, Aug. 1, 1950, 747ⁿ; tin exports, problems concerning, 744-745, 748-751, 754; U.N. General Assembly, matters concerning, 425, 570; U.N. Technical Assistance Mission, 749, 751-754; U.S. relations with, 627ⁿ
 Bolte, Charles, 26
 Bonnet, Henri, 472ⁿ
 Bonsal, Philip W., 155-156
 Bosch, Juan, 668
 Botha, J. S. F., 487
 Bourgerie, Elmer H., 472ⁿ
 Bowers, Claude G., 786, 789, 792, 796-798
 Boyd, J. G., 153
 Boykin, Samuel D., 53, 65
 Boza, Hector, 986
 Braden, Spruille, 637, 696ⁿ, 703
 Bramble, Harlan P., 747-748
 Bramuglia, Juan A., 726
 Braniff Airlines, 698, 704, 707
 Brannon, Charles F., 742
 Braun, Horace H., 954ⁿ
- Brazil (see also under United Nations: General Assembly: Country positions and under United Nations: General Assembly: Security Council elections: Candidates):
 Air transport services agreement of 1946, amendment of, Dec. 30, 1950, 782
 Airline operations, negotiations concerning, 782
 Argentina, relations with, 597, 713-714, 721ⁿ, 732, 759, 1017
 Colombia, relations with, 826
 Communist activities, 726, 1021
 Cultural convention, Oct. 17, 1950, with the United States, 769, 772-773
 Debt service position, 961
 Discrimination against U.S. shipping lines, 672, 757
 Economic Cooperation Administration, attitude toward, 767
 Economic development, U.S. interest in, 757-782
 European stimulation of colonial production of competitive products, 679
 Export-Import Bank loan, negotiations concerning, 723, 760-762, 766, 771, 773, 775-778, 799, 953, 963
 Export-Import Bank Mission to Brazil, 776-777
 Foreign policy, 621
 Friendship, commerce, and economic development treaty with the United States, negotiations concerning, 769, 772
 Geographic location, 600-601
 Gillette report on coffee prices, resentment concerning, 768, 770, 774
 Good offices in the Peru-Colombia dispute, proposed, 1000
 International Bank for Reconstruction and Development, negotiations concerning loan from, 761-763, 766, 771, 776, 778-781
 Joint Brazil-United States Technical Commission (Abbink Mission), 594ⁿ, 757-758
 Joint Commission for Economic Development, 771, 776-779
 Joint Guaranty Fund Plan, proposed, 758-759, 769, 772-773
 Lend-lease settlement arrangement of 1948, payments under, 759
 Monazite deposits, negotiations with the United States concerning development of, 762ⁿ, 764
 Organization of American States, participation in, 770
 Political situation, 592, 714, 732, 759-760, 768-769, 774
 Rio Protocol between Ecuador and Peru of 1942, guarantor of, 860

Brazil—Continued

- Taxation, double, proposed treaty with the United States, 769, 772-773
- Technical assistance agreement of Dec. 19, 1950 with the United States, 680, 778-779
- U.N. Economic and Social Council, member of, 11, 98, 105-107, 119
- U.S. cruisers, delay in transfer of, 774-775
- U.S. economic and financial assistance, 713-714
- U.S. relations with, 626-627, 629, 713, 723, 764-771, 774-775
- Uruguay, relations with, 1017
- Venezuela, relations with, 1038
- Bridgett, Charles, 991*n*
- Brignoli, José Julio, 695, 699, 704, 715-716, 734-735, 742
- Brin, Carlos, 969-971, 980
- British Broadcasting Corporation, 532-533
- British Cameroons, 442, 446*n*
- British Commonwealth (*see also under* United Nations: General Assembly: Country positions), 12, 96, 255, 444, 476, 481, 496, 629-630
- British Commonwealth Conference at Colombo, Jan. 9-14, 1950, 629
- British Honduras (Belize), 925*n*, 926-927, 928*n*
- British Togoland, 442, 446*n*, 461
- Broustra, Vincent, 100, 226-227, 337-340
- Brown, Benjamin H., 28
- Brown, Elizabeth A., 27
- Brown, Winthrop G., 939, 947
- Bruce, David K.E., 226-227, 311, 319, 327*n*, 436-437, 439
- Buchanan, James, 605
- Budget, U.S. Bureau of the, 973
- Bulgaria, 12, 15, 37, 183*n*, 215, 225, 293, 565
- Bulhoes, Octavia Gouvêa de, 758, 763
- Burma, 37, 97, 217, 221, 262, 303, 496, 502, 570
- Burrows, B.A.B., 259*n*, 262-264
- Bussalleu, Alejandro, 990-991
- Butler, George H., 637, 903
- Butler, Robert, 154-155, 625, 649-650, 659-661, 663-664, 668-669
- Buy American Act, 583
- Byelorussian Soviet Socialist Republic, 106, 251, 253, 265
- Cabreho, Lt. Col. José del Carmen, 982*n*
- Cadogan, Sir Alexander, 101-102, 212
- Cady, John C., 747, 809
- Calderon, 666-667
- Campbell, G.T.C., 93
- Campos, Rudecindo S., 737
- Canada (*see also under* United Nations: General Assembly: Country positions: Agreements with the United States), 584, 585, 587, 588; conven-

Canada—Continued

- tion on privileges and immunities of the United Nations, ratification of, 82, 85-86; defense, military procurement, and industrial mobilization, efforts to negotiate closer cooperation with the United States regarding, 583, 585-586; Export-Import Bank loan, 723; Joint United States-Canada Industrial Mobilization Planning Committee, 585; Permanent Joint (United States-Canada) Board on Defense, 584; petroleum production and exports, 825, 938, 1027, 1047-1048; U.N. Economic and Social Council, member of, 106, 108, 119
- Canessa, Roberto E., 864
- Cargo, William I., 25, 497
- Caribbean (*see also* Caribbean area disputes *under* American Republics), 625, 641, 651-653, 661*n*
- Caribbean Defense Command, 1041
- Caribbean Legion. *See under* American Republics.
- Carter, Albert E., 1010
- Carvajal Sinisterra, Manuel, 835*n*
- Central America, 881, 887
- Central American Olympic Games, 866, 867*n*, 868-869
- Cereijo, Ramón A., 679, 693-694, 697-699, 701*n*, 704-705, 707-708, 711-712, 713*n*, 715-717, 719, 724*n*, 725-730, 732-734, 736, 739-740
- Cesar Solis, Licenciado, 906
- Ceylon. *See* Sri Lanka.
- Chang Wen-tien, 200, 267
- Chapin, Selden, 474-475
- Charlone, César, 1009, 1012
- Charnaud MacDonald, Augusto, 911, 924
- Chauvel, Jean, 99-101, 119-120, 137-138, 142, 145, 155, 156*n*, 157, 160-162, 166-168, 173-175, 212-214, 219, 227, 241, 250*n*, 252*n*, 269*n*, 309, 311, 316*n*, 325, 330, 346
- Chiang Kai-shek, 274, 294, 383
- Chi Chao-ting, 267
- Chile (*see also under* United Nations: General Assembly: Country positions):
- Anti-Communist pact, proposed, 662
 - Argentina, relations with, 596-597, 714
 - Communist activities, 726, 1021
 - Copper, U.S. excise tax on, 786-787, 792-793, 798
 - Debt service position, 961
 - Discrimination against U.S. shipping, negotiations concerning, 672-673, 793-798
 - Exchange rate proposal, International Monetary Fund disapproval of, 783, 787, 800-801

Chile—Continued

- Export-Import Bank loan, 723, 761, 766, 787, 791ⁿ, 799–800, 810
- International Bank for Reconstruction and Development loan, negotiations concerning, 786–787, 800
- International Monetary Fund recommendations regarding fiscal and financial reforms, 799
- Lend-lease settlement arrangement, Oct. 17, 1949 and Feb. 28, 1950, 783
- Nitrate plants, synthetic, Chilean interest in U.S. disposition of, 786, 788–789
- Organization of American States, matters concerning, 654
- Political situation, 592
- Rio Protocol between Ecuador and Peru of 1942, guarantor of, 860
- United Nations Economic and Social Council, member of, 105, 107, 119
- United Nations Economic Commission for Latin America, 674, 682–686
- U.S. naval sales program, 786–788, 793, 798
- U.S. political and economic relations with, 626, 783–801
- Venezuela, relations with, 1037
- Visit of Assistant Secretary of State Miller, 590
- Visit of President Gonzalez Videla to the United States, 590–591, 713ⁿ, 714, 784–786, 787ⁿ

China (*see also* Chinese representation under United Nations: General Assembly and Security Council and *see* China, People's Republic of, Formosa, and China and Chinese subheadings under individual subjects): Refugee problem, 542, 544–545; territorial integrity, 273; U.N. Economic and Social Council, member of, 107, 119; U.N. Security Council, permanent member of, 118; U.N. Trusteeship Council, member of, 119; U.S. policy toward, 29ⁿ; *United States Relations with China* (White Paper), 382

China, People's Republic of:

- Formosa, lack of authority over, 263, 286, 288
- French Indochina, policy toward, 273, 286, 292
- Huk movement in the Philippines, support for, 273
- India, attitude toward, 214–215, 225
- Indian policy toward, 214, 263, 292
- Inner Mongolia, question of authority over, 262–263
- Japanese prisoners of war, 553

China, People's Republic of—Continued

- Korea, support for North Korean attack on Republic of Korea, 253, 256, 258, 270–273, 286, 288–289
- Korean hostilities, possible intervention in, 263–264, 270–271, 290, 431
- Malaya, influence in, 273
- Manchuria, question of authority over, 262
- Manchurian bombings, alleged, 295
- Mao visit to Moscow, 215, 218, 225
- Norwegian policy toward, 310
- Recognition of, 187–189, 193, 195–196, 199, 203, 206, 208–209, 212–215, 223, 225, 238–240, 244, 251, 253, 256, 261, 265–266, 268–269, 273, 279, 297
- Seizure of U.S., French, and Dutch official properties in Peiping, 205, 213
- Sinkiang, question of authority over, 262
- Tibet, question of authority over, 263
- United Kingdom, attitude toward, 214–215, 225
- U.S. nonrecognition policy, 191, 218, 223–224, 234–235, 238–244, 251, 256, 272
- U.S. restrictions on travel of representatives of, 55
- U.S. visas for representatives to the United Nations, question of, 46–49
- Viet-Nam Democratic Government recognition of, 213–214
- Chocano Bercerra, Alfredo, 874ⁿ
- Chou En-lai, 189, 200–201, 225, 256, 267–268
- Chou Shih-ti, 267
- Churchill, Winston S., 372
- Civil Aeronautics Board, 944, 946
- Civil Service Commission, U.S., 973
- Clark, DuWayne G., 713ⁿ, 725
- Clark, Edward W., 874, 876–877, 903–904, 909ⁿ
- Clark, Harlan B., 25
- Clay, Henry, 614
- Cleveland, Harlan, 718
- Clubb, O. Edmund, 189ⁿ, 200–201, 262–264
- Clucas, Lowell M., 28
- Coerr, Wymberley DeR., 105
- Cohen, Andrew 472ⁿ
- Cohen, Benjamin, 371ⁿ
- Cohen, Benjamin V., 24, 73–74, 78, 8, 131, 133–134, 272–274, 293–294, 353, 355, 516, 518, 532, 56, 568–569, 573–574
- Colombia:
 - Air transport agreement with the United States, proposed, 814
 - Brazil, relations with, 826
 - Communist activities, 804, 820–821, 837–838, 840

Colombia—Continued

- Currie Mission, 594
- Discrimination against U.S. shipping interests, negotiations concerning, 811-814, 826, 829-834
- Economic situation, 806-807, 809, 820
- Ecuador, relations with, 826-827, 860
- Exchange controls, 805
- Export-Import Bank loans, negotiations concerning, 809-810, 823, 826, 829, 953
- Friendship, commerce, and economic development treaty with the United States, negotiations concerning, 805, 814, 823-824, 829
- General Agreement on Tariffs and Trade, proposed membership in, 825
- Gran Colombiana Merchant Marine, operations of, 811-814, 826-827, 831-834, 859
- Gran Colombiana relationship, 811-814, 826-827, 1038
- Inter-American treaty of reciprocal assistance, ratification of, 828
- International Bank for Reconstruction and Development loans, 809-810, 823, 829
- International Trade Organization Charter, signatory of, 824
- Korean conflict, contributions to, 835
- Labor movement, 820-821, 866
- Lend-lease settlement, 814-816, 825
- Missionaries, American Protestant, treatment of, 816-817, 822-823, 829, 835-841
- Panama, relations with, 826, 978
- Peru, relations with, 827, 994ⁿ, 995, 997-1007
- Petroleum legislation, 803-804, 835
- Political situation, 591, 802-803, 808, 818-820, 822-823, 860
- Soviet Union, suspension of relations with (1948), 827
- Spain, relations with, 827
- Taxation, double, negotiation of agreement with the United States, 595, 814
- Trade union affiliation with non-Communist trade union movement, 593
- Tropical Oil Company, problems encountered by, 803, 806, 825
- United Nations Commission for India and Pakistan, member of, 828
- United Nations General Assembly, matters concerning, 111
- United Nations Security Council, former member of, 828
- U.S. military assistance, 821-822
- U.S. political and economic relations with, 626, 802-841, 990
- U.S. private capital investment, 805-806, 829

Colombia—Continued

- U.S. technical assistance, 817, 823, 829-830
- Venezuela, relations with, 826-827
- Combs, J. M., 948
- Commerce, U.S. Department of, 748, 788, 1046
- Commission on Organization of the Executive Brand of Government (Hoover Commission), 589
- Commodity Credit Corporation, 749ⁿ
- Communist Information Bureau (COM-INFORM), 44, 325, 383, 417ⁿ, 419, 421, 426, 427ⁿ
- Congress, U.S.:
 - Bolivia, U.S. economic aid to, 749ⁿ
 - Coffee prices, investigation of, 768, 770, 774
 - Communist Party, 1021
 - Economic agreement of Bogotá, 677-679
 - Economic mobilization proposals, 690
 - Excise tax on copper, waiver of, 787, 792
 - Export-Import Bank Act of 1945, 962
 - Export-Import Bank loans, 734ⁿ, 761, 799
 - Far East, U.S. policy in the, 224ⁿ
 - Genocide convention, 518, 519ⁿ, 565, 574
 - Gillette report on coffee prices, 768, 770, 774
 - Guatemala, U.S. relations with, 865-866, 897
 - Herter Bill, 595
 - House of Representatives, 84-85, 1048
 - Appropriations Committee, 91
 - Armed Services Committee, 798ⁿ
 - Foreign Affairs Committee, 91
 - Small Business Committee, 949ⁿ
 - Ways and Means Committee, 83
 - Human Rights covenant (draft), 574
 - Inter-American Highway project, 971, 972ⁿ
 - Internal Security Act of 1950, 72ⁿ, 73-75
 - International Court of Justice, compulsory jurisdiction of, 43
 - International organization, draft resolutions and hearings concerning various proposals on, 3-6, 330, 351, 353
 - International Organizations Immunities Act of 1945, 50-51
 - International Trade Organization Charter, question regarding ratification of, 40
 - Lodge resolution, 224ⁿ
 - Mexican farm labor, 955, 957ⁿ
 - Mexico, U.S. relations with, 936, 938, 959
 - Mutual Defense Act of 1949, 36
 - Organization of American States, reservation to the Charter of the, 568, 639-640

Congress, U.S.—Continued

- Panama, U.S. relations with, 970-971, 972*n*, 976
- Petroleum imports, proposed restrictions on, 947-949, 1028, 1032, 1043-1044, 1046
- Point Four Program, 769, 773
- Privileges and immunities for the United Nations, convention on, 42, 51, 83-85
- Protestant missions in Italy, 841
- Refugee problem, 539-540, 546
- Senate, 84, 518, 519*n*, 565, 568, 639*n*, 640, 792, 865-866, 1013*n*, 1048
- Agriculture and Forestry Committee, 768, 774
- Appropriations Committee, 103
- Armed Services Committee, 798*n*
- Finance Committee, 83, 787, 792*n*
- Foreign Relations Committee, 4-6, 566, 639-640
- Judiciary Committee, 957*n*
- Taxation, double, of U.S. employees of U.N. staff, 82-83, 85-86
- Technical Assistance Program, 596
- Trade agreement with Venezuela, proposed amendment of, 1045-1046, 1048
- Trade Agreements Act, renewal of, 1044, 1047-1048
- United Nations, attitude toward, 45, 151
- U.N. headquarters agreement, 42, 47-48, 55, 60-61, 75-77
- United Nations International Children's Emergency Fund, 577
- U.N. specialized agencies, U.S. contributions to, 90-92, 103-104
- U.S. participation in the United Nations, 11
- Vandenberg Resolution, *June 11, 1948*, 6, 37, 355
- Venezuelan petroleum products, question of U.S. customs duties or quotas, 943-944, 948
- Connally, Tom, 224*n*, 585, 639-640
- Connolly, Bernard C., 479-480
- Conorada Oil Company, 985, 993
- Continental Oil Company, 985*n*
- Cook, Tomas F., 473
- Cooper, John Sherman, 24, 85-86, 133, 274, 474, 487, 490-492, 500-502, 516, 567, 574
- Corbett, Jack C., 711-713, 715-716, 718
- Corcoran, Thomas, 888
- Cordier, Andrew W., 183, 229-231, 233, 266, 268
- Corrigan, Frank P., 27
- Corse, Carl D., 943-944, 990*n*
- Cortina, Alfonso, 960
- Cory, Thomas J., 27, 421
- Costa Rica: Agreement with the United States for waiver of portion of reciprocal trade agreement of 1936,

Costa Rica—Continued

- 842; Cuba, relations with, 848; economic agreement of Bogotá, ratification of, 678; Guatemala, relations with, 902; labor movement, 866; lend-lease settlement arrangement, *Oct. 18, 1950*, 842; Nicaragua, relations with, 596, 642; political situation, 592, 596*n*, 642*n*; United Fruit Company contract, 911; U.N. General Assembly, matters concerning, 111, 402; U.N. Trusteeship Council, resignation from, 19, 97
- Cotton, J. R., 472*n*
- Coulson, J. E., 414
- Council of Foreign Ministers, 554
- Council on Foreign Relations, 735*n*
- Couve de Murville, Maurice, 437
- Cox, Charles R., 792*n*
- Crain, Earl T., 668-669
- Crawford, Boyd, 26
- Crittenberger, Lt. Gen. W. D., 27
- Cuba (*see also under* United Nations: General Assembly: Country positions and Cuban position under United Nations: Security Council): Air Force Mission, U.S., agreement with the United States providing for services of, *Dec. 22, 1950*, 671
- Caribbean Legion, support for, 845, 848-849
- Claims of U.S. nationals against Cuban government, 845-847, 851
- Communist activities, 850
- Costa Rica, relations with, 848
- Dominican Republic, relations with, 596, 643*n*, 649-650, 651*n*, 652-656, 658-667, 845-846, 848-849, 852-853
- Economic situation, 844, 846
- Guatemala, relations with, 902
- Haiti, relations with, 849
- Joint anti-Communist declaration for the Caribbean, proposed, 625, 660-661
- Labor movement, 866
- Mexico, relations with, 850
- Nicaragua, relations with, 845-846, 848-849
- Organization of American States, participation in, 852
- Platt Amendment, 605-606, 844
- Political situation, 592, 660, 662*n*
- Puerto Rico, attitude toward, 848, 851
- Radio frequencies, problems concerning, 844, 847
- Soviet Union, relations with, 850
- Spain, relations with, 850
- Strategic importance of, 843
- Sugar preferences and quotas, U.S., 845-848, 851-852
- Trade and commercial relations with the United States, 843-845, 847-848, 851-852, 990*n*

Cuba—Continued

- United Nations Economic Commission for Latin America, policy toward, 682-683, 685
- U.N. Security Council, member of, 11, 87, 96, 98, 118
- U.S. Naval Base at Guantanamo, maintenance of, 843, 845
- U.S. policy toward, 626, 843-853
- U.S. technical assistance, 846
- Venezuela, relations with, 849-850, 1037
- Culley, Perry, 1011
- Cyprus, 221
- Cyr, Leo G., 472*n*
- Cyrenaica, 21
- Czechoslovakia, 79, 106, 108, 119, 1037

- Damey, Henri, 472*n*
- Danaher, John A., 792
- Daniels, Paul C., 589, 639*n*, 642-644, 650, 653-656, 658*n*, 665, 926*n*, 927
- Dasso, Ingeniero Andrés, 987-988
- Davies, Ralph, 985
- Davis, Bainbridge, 1019
- Davis, Monnet B., 969-972, 975*n*
- DeCourcy, William E., 644-646, 932, 934-935
- Defense, U.S. Department of, 220*n*, 352, 584, 597, 729*n*, 795, 972-973, 976, 1041, 1046
- Defense Mobilization Program, 687-690
- Defense Production Act, 585, 689-690
- Déjean, Joseph L., 641, 653-656
- De la Colina, Rafael, 945*n*, 946, 952, 958*n*, 959-960, 968
- De la Tournelle, Guy, 156*n*
- Delgado Chalbaud, Lt. Col. Carlos, 849*n*, 1041
- Dembitz, Lewis, 718
- De Menthon, Bernard, 337
- De Moya, Oscar R., 645-649
- Dening, Maberly E., 214
- Denmark (*see also under* United Nations: General Assembly: Country positions), 11, 98, 106-107, 119, 446*n*, 452-453, 456
- Denton, W. C., 1010
- De Palma, Samuel, 527*n*, 529*n*, 531-533
- Deringer, Dewitt C., 746
- Desvernine, Eugene, 659, 660*n*, 662
- Díaz, Alvaro, 812-813, 831-832
- Díaz, Porfirio, 883
- Díaz Ordóñez, Virgilio, 645-646, 659-660, 667
- Dihigo y Lopez Arigo, Ernesto, 154-155, 663
- Dirkse-van-Schalkwyk, W., 477*n*
- Dodd, Norris E., 693
- Dodero, Alberto, 699
- Doganis, Theodore, 78-80
- Domínguez Cámpora, Alberto, 1015*n*
- Dominican Republic (*see also under* United Nations: General Assembly: Country positions):

Dominican Republic—Continued

- Angelita*, negotiations regarding return by Cuba of, 659, 663*n*, 667, 853
- Anti-Communist pact, proposed, 662
- Cuba, relations with, 596, 643*n*, 649-650, 651*n*, 652-656, 658-667, 845-846, 848-849, 852-853
- Guatemala, relations with, 643*n*, 651*n*, 652-656, 661, 666, 849, 913
- Haiti, relations with, 596, 641-656, 658, 660*n*, 661, 932*n*, 933
- Lend-lease obligations, liquidation of remaining, 854
- Nicaragua, relations with, 647
- U.N. Trusteeship Council, member of, 12, 19
- Venezuela, relations with, 1037
- Dönges, Theophilus, 487-492, 497
- Donnelly, Walter J., 592, 939*n*, 943-944, 948, 1019-1020, 1021*n*, 1023*n*, 1024*n*, 1040-1041
- Doughton, Robert L., 786
- Douglas, Paul H., 4
- Douglas, Lewis W., 92-93, 152-153, 314-315, 320-321, 323-324, 383, 390, 476, 480-481
- Doyle, Doris, 27
- Dreier, John C., 25, 96*n*, 158-159, 161-163, 363-364, 472*n*, 639*n*, 662*n*, 683
- Dreiman, Lawrence S., 963
- Duke, Angier Biddle, 741
- Dulles, John Foster, 24, 73-74, 130, 132-133, 135, 139, 172, 271, 294, 343-348, 351, 353-354, 359-360, 363-370, 491, 516, 565-566, 574, 903, 1037*n*, 1041
- Dumbarton Oaks Conference, 569*n*
- DuPont, C., 472*n*
- Dupuy, Jean, 645-646
- Dutra, Eurico Gaspar, 714, 757, 765-766, 768-772, 775
- Eakens, Robert H. A., 939*n*, 954*n*
- Eastern Airlines, 945-946, 958-959, 968
- East-West trade, U.S. policy regarding, 381
- Eban, Abba, 365
- Echandía, Darío, 820
- Economic Cooperation Administration, 593, 639, 679, 745, 767, 795
- Ecuador (*see also under* United Nations: General Assembly: Country positions and Ecuadoran position under United Nations: Security Council):
 - Colombia, relations with, 826-827, 860
 - Discrimination against U.S. shipping interests, 672, 859-860
 - Export-Import Bank loan, 862
 - Friendship, commerce, and economic development treaty with the United States, negotiations concerning, 857-858

- Ecuador—Continued
 General agreement on tariffs and trade, nonmember of, 859
 Gran Colombiana Merchant Marine, 826, 859-860
 Gran Colombiana relationship, 826-827, 861
 Inter-American Treaty of Reciprocal Assistance, ratification of, 856
 International Bank for Reconstruction and Development loan, negotiations concerning, 862
 International Trade Organization Charter, signatory of, 859
 Korean conflict, Ecuadoran contributions to assist U.N. effort in, 856
 Mexico, relations with, 162
 Panama, relations with, 978
 Peru: Boundary dispute with, 162, 860, 999, 1002, 1006; relations with, 860
 Political situation, 592, 856-857
 U.N. Security Council, member of, 118
 U.S. economic and financial assistance, 687, 857-858, 862
 U.S. military assistance, 856
 U.S. naval, air, and ground missions, 856
 U.S. naval and air bases during World War II, 855, 861
 U.S. policy toward, 855-863
 U.S. technical assistance, 857, 861
 Venezuela, relations with, 1038
 Visit by Assistant Secretary of State Miller, 590
- Egypt (*see also under* United Nations: General Assembly: Country positions and Egyptian position under United Nations: Security Council), 11, 89, 96, 98, 111, 116, 118, 454, 459
- Elbrick, C. Burke, 662-665
- El Salvador: Inter-American Treaty of Reciprocal Assistance, ratification of, 926; territorial seas, U.S. position respecting El Salvador's definition of, 864; U.N. General Assembly, matters concerning, 111, 183*n*, 503
- Elsey, George M., 939*n*, 950, 951*n*
- Employment Service, U.S., 955-956
- Enrique Aybar, José, 660*n*
- Entezam, Nasrollah, 12, 90, 93-96, 109-110, 117, 122, 124-125, 134, 138, 170, 176-177, 268, 269*n*, 497, 502
- Eritrea, 21-22
- Erkin, Feridun C., 89, 111
- Esenbel, Melih, 110-111
- Eskesen, Aslag H., 70
- Estimé, Dumarsais, 642*n*, 645, 648, 932-934
- Estonia, 432
- Estrada de la Hoz, Julio, 906, 923
- Ethiopia, 21-22
- Europe, Western (*see also individual countries*), 599, 627, 764, 769, 810, 862
- European Recovery Program, 207, 593-594, 629, 758, 896
- Evans, Barbara, 27
- Export of strategic or critical materials to the Soviet bloc, U.S. controls over, 628, 634, 688-689
- Export-Import Bank Act of 1945, 961-962
- Export-Import Bank of Washington, loans and credits by the, 594-595, 610, 678, 691-692, 695, 701*n*, 704-709, 711-715, 718-726, 728-731, 733-735, 742, 745, 749*n*, 751, 758, 760-762, 766, 771, 773, 775-780, 781*n*, 787, 791*n*, 795, 799, 809-810, 826, 829, 862, 931, 937-938, 950, 952-954
- Expropriation, U.S. policy regarding, 938
- Falck, L. James, 1022*n*
- Falkland Islands, 708*n*
- Far East, 12, 122-123, 168-169, 171-172, 273, 579, 627, 745, 798
- Far Eastern Commission, 219, 226, 629
- Fassberg, Harold E., 1022*n*
- Fawzi Bey, Mahmoud, 144, 146, 241, 318
- Federal Bureau of Investigation (FBI), U.S., 57-58
- Federation of Greek Maritime Unions, 56
- Feller, Abraham H., 76, 132, 227, 229-231, 233, 235, 371, 385-387
- Ferguson, C. Vaughan, 109
- Ferguson, Homer, 4
- Fernandes, Raul, 763-768, 771-772
- Fernandes, Raúl, 625*n*
- Fernández Fernandez, Joaquin, 788*n*
- Fezzan, 21
- Finland, 37, 183*n*, 221
- Firestone Rubber Company, 902
- First National Bank of Boston, 705
- Fischer, George, 65, 77-78
- Fishburn, John F., 880-884, 889, 903
- Fisher, Adrian S., 46-49, 65-71, 78
- Fisher, Allan J., 718, 963
- Florman, Irving, 746-747, 749*n*, 751*n*, 753-755
- Food and Agriculture Organization, 90-92, 103-104, 381, 388, 693, 721, 749*n*
- Foote, Wilder, 229, 233
- Ford, Peyton, 648*n*
- Foreign Bondholders Protective Council, 756
- Foreign Ministers' Meetings (U.S.-U.K.-France): London, May 11-13, 1950, 87*n*, 98, 178, 245, 440; New York, Sept. 12-14, 18-19, 1950, 287, 291, 327, 330-331, 346*n*, 391*n*

- Formosa (*see also* Formosa question under United Nations: General Assembly): Aggression against, possibility of, 303-305, 309, 324; British policy toward, 261, 309; French policy toward, 309; Indian policy toward, 309; Norwegian policy toward, 310; People's Republic of China, lack of authority over, 263, 286, 288; Soviet policy toward, 256; U.S. policy toward, 205, 246-247, 257, 264, 272-274
- Forsyth, D. D., 479-480
- Fortuny, José Manuel, 904, 908-909, 924
- Fosdick, Dorothy, 231*n*
- Four-Power Statement at San Francisco on voting procedure in the Security Council, *June 7, 1945*, 309, 314*n*, 317, 326
- Fowler, R. W. D., 494
- France (*see also* France and French subheadings under individual subjects): Germany, West, French policy toward, 9; U.N. Economic and Social Council, member of, 107, 119; U.N. Security Council, permanent member of, 118; U.N. Trusteeship Council, member of, 119; U.S. policy toward, 630
- Franco, Francisco, 227, 272, 621, 827, 850, 978
- Franklin, Albert B., 697*n*
- Franklin, George S., 735*n*
- Franks, Sir Oliver, 254, 257, 259, 262, 264, 312-314, 472*n*, 473*n*
- Freedom of information, U.N. consideration of, 17, 60, 523-537, 575, 577, 580
- Freeman, Fulton, 246
- Freitas Valle, M. C. de, 87
- French Africa, 446*n*, 453
- French Indochina, 217, 221, 264, 273, 286, 292, 303, 372, 400
- Fulbright, J. William, 4
- Gaitan, Jorge Eliécer, 819
- Gallagher, Manuel, 997-998, 1002-1006
- Gallegos, Rómulo, 849
- Galsworthy, A.N., 472*n*
- Garner, Robert L., 778
- Gaspar Caraval, Antonia (*also* Juan Gaspar), 746
- Gaston, Herbert E., 691-692, 705, 711-713, 718-719, 721-723, 733, 781, 953-954, 959-960, 963-965
- Gates, William B., 718
- Gauss, Clarence, 711
- General agreement on tariffs and trade: Agreement, *1947*, 824-825, 845*n*, 846, 848, 851, 852*n*, 859, 940-941, 987-989, 991, 1016, 1032, 1043
- Habana protocol, *1948*, 991
- General agreement on tariffs and trade—Continued
- Tariff negotiations and sessions of contracting parties: Annecy, *Apr. 8-Aug. 26, 1949*, 991; Geneva, *Feb. 23-Apr. 4, 1950*, 991; Habana, *1948*, 991*n*; Torquay, *Sept.-Nov. 1950*, 987, 990-992, 1045*n*
- General Electric Company, 705
- George, Walter F., 786
- Gerberich, Albert H., 809-810, 835-836
- Gerig, Benjamin, 25, 96, 472*n*, 473-474, 487-492, 495, 497-500, 505
- German peace settlement or treaty, 374, 376, 395
- Germany (*see also* Berlin question), 29*n*, 352, 552-554, 556-557
- Germany, East, 372
- Germany, West, 9, 542, 545-546, 548-549, 758
- Geyer, A. L., 476, 480
- Gigliotti, Frank Bruno, 835-837
- Gildemeister, Agosto, 986
- Gillette, Guy M., 768, 770
- Giron, Colonel, 928*n*
- Gjesdal, Tor, 229
- Godoy Urrutia, César, 922
- Goedhart, G. J. van Heuven, 122, 420, 424-425, 550*n*, 577
- Gómez, Juan Vicente, 1025-1026, 1034, 1038
- Gomez, Laureano, 802-809, 814-816, 818-820, 823, 831, 835, 837, 997
- Gomez Morales, Alfredo, 698*n*, 725
- Gómez Ruiz, Luis Emilio, 1021*n*, 1024*n*, 1044*n*, 1045
- Gonzalez Arévalo, Licenciado Ismael, 867, 874-877, 884*n*, 901, 905-906, 909, 920, 923
- Gonzalez Videla, Gabriel, 590-591, 713*n*, 714, 784-788, 791, 796-798
- Goubaud Carrera, Antonio, 866, 869, 874, 877, 879, 886-887, 901, 904, 909-911, 925-928
- Gough, Betty C., 27, 96
- Grace Lines, 793, 796-798, 830-834, 1019-1020, 1032
- Grau San Martín, Ramón, 850
- Graves, Hubert A., 254, 257*n*
- Greece, 29*n*, 31, 177, 272, 362, 425, 542, 629
- Greek-American League for Democracy in Greece, 56
- Green, James F., 25, 519*n*, 575-583
- Greene, Joseph N., 25, 104
- Griffis, Stanton, 692-712, 715-716, 728-733, 735*n*, 736
- Griffiths, John, 696*n*
- Grosjean, Georges, 472*n*
- Gross, Ernest A., 3*n*, 24, 99, 101, 121, 125-126, 128-134, 138, 140-141, 157*n*, 158, 187*n*, 195*n*, 210-215, 217-219, 224-226, 229, 231, 233-243, 248-249, 268, 290-291, 294,

Gross, Ernest A.—Continued

304, 307ⁿ, 308-313, 355, 567ⁿ,
569ⁿ 574

Guatemala:

Aircraft, U.S., request for, 928

Belize (British Honduras), Guatemalan claim to, 925ⁿ, 926-927, 928ⁿ

Business concerns, U.S., problems encountered by, 865

Caribbean Legion, support for, 899-900, 912-913, 923

Central American Olympic Games, 866, 867ⁿ, 868-869

Communist activities, 603, 726, 883-884, 896-897, 904ⁿ, 907-909, 912, 915, 920-924, 929-930; U.S. concern over, 865-866, 872-873, 879, 884-885, 899-900, 902, 905-909, 912-913, 918-920, 922, 929-930

Costa Rica, relations with, 902

Cuba, relations with, 902

Discrimination against U.S. business interests, 672

Dominican Republic, relations with, 643ⁿ, 651ⁿ, 652-656, 661

Economic Agreement of Bogotá, policy toward, 677-678

Export-Import Bank loan, 931

Haya de la Torre case, 1007

Inter-American Highway, U.S. financial assistance for the construction of, 919

Inter-American treaty of reciprocal assistance: Ratification of, 866-867, 886, 900, 909, 912, 918, 920, 925; reservation, 925-927, 928ⁿ

Korean conflict, attitude toward, 906-909, 923

Labor movement, activities of, 865-866, 880-884, 888ⁿ, 891-895, 897-900, 908-909, 912, 921

Mexico, relations with, 902

Peruvian attitude toward, 997

Political parties: Committee for Political Action (CAP), 875, 878; *Partido Acción Revolucionaria* (PAR), 872-873, 875, 904, 908, 924; *Partido Comunista de Guatemala* (PCG), 904ⁿ, 908

Political situation, 591, 596, 662ⁿ, 873, 886, 897-898, 906-907, 910, 920-921

Puerto Rican independence movement, policy toward, 867-869

Roosevelt Hospital of Guatemala City, 866, 919

Sindicato de Empresa de Trabajadores de la United Fruit, activities of, 888ⁿ, 892

United Fruit Company, difficulties of, 870, 873, 880-884, 887-889, 896-899, 902, 911-912

Guatemala—Continued

U.N. General Assembly, matters concerning, 111, 907

U.S. Agricultural Mission, 917-918

U.S. Ambassador Patterson, Guatemalan request for recall of, 876-880, 886, 899, 901-902, 904-908, 912-913, 920

U.S. financial assistance, 919

U.S. military assistance, 597, 909-910

U.S. relations with, 865-931, 1008

U.S. technical assistance, 900-901, 917-919

Venezuela, relations with, 1037

Visit by Assistant Secretary of State Miller, 887-888, 902-903, 905-907

Gubitchev, Valentin A., 85

Guell y Morales de los Rios, Gonzalo, 655

Guerinoni, Jorge, 987-992

Guerra Borges, Alfredo, 908, 924

Gulf Oil Company, 937ⁿ

Gutiérrez Garbin, Victor Manuel, 887, 908, 924, 929

Haiti:

Cuba, relations with, 849

Dominican Republic, relations with, 596, 641-656, 658, 660ⁿ, 661, 932ⁿ, 933-934

Recognition of military junta government: France, 934; Mexico, 934; Spain, 934; United Kingdom, 934; United States, 932-935; Venezuela, 934

U.N. General Assembly, matters concerning, 111, 403

U.S., relations with, 629

Venezuela, relations with, 1038

Hall, William O., 25, 84-86, 130, 132-133

Halla, Philip J., 95

Halle, Louis, 624-625, 628-638, 687ⁿ

Hamilton, Tom, 174

Hare, Raymond A., 231ⁿ, 472ⁿ

Harford, Etienne, 472ⁿ

Harmon, Lt. Gen. H. R., 27

Harriman, W. Averell, 159, 1042

Hassett, William D., 914

Hauch, Charles C., 644, 648, 663ⁿ

Haya de la Torre, Victor Raúl, 827, 994-995, 997-1007

Hayden, Carl, 787

Henderson, Loy W., 63, 151, 248, 249ⁿ, 313, 334ⁿ

Henkin, Louis, 416-419, 421

Henry, Maj. Gen. Guy V., 584

Herbruger, Rodolfo, 655, 972ⁿ

Herrera, Olaya, 818

Hevia, Carlos, 649-650

Hickerson, John D., 4-6, 8ⁿ, 9, 10ⁿ, 22-24, 46, 54-55, 65, 95-96, 99, 103-105, 119-120, 128-129, 205-206, 249, 251ⁿ, 266, 269ⁿ, 273-274, 292-293, 295-296, 312-315, 324ⁿ, 325, 330, 334-335, 350, 379-383,

- Hickerson, John D.—Continued
385-387, 411, 440, 472*n*, 473*n*, 477*n*,
478-479, 482, 487, 489-490, 492,
566, 568-569
- High Commissioner's Office in Germany
(HICOG), 551, 557
- Hill, John L., 814*n*
- Hitler, Adolf, 488, 616
- Ho Chi-minh, 213-214, 221, 273
- Hochschild, Mauricio, 750-752, 755*n*
- Holley, William C., 956
- Holmes, Julius C., 195-196, 214-215,
219-220, 226, 326-327, 437-438
- Honduras: Agreements with the United
States respecting the establishment
of U.S. Air Force and Army Mis-
sions, *Mar. 6, 1950*, 671; economic
agreement of Bogotá, ratification
of, 678; inter-American treaty of
reciprocal assistance, ratification
of, 926; political situation, 592;
United Fruit Company contract,
911; U.N. General Assembly, mat-
ters concerning, 177, 402; U.S.
relations with, 629
- Hong Kong, 255, 273, 544
- Hoo, Victor, 37*n*
- Hooker, John S., 718
- Hoover, Herbert, 8-9, 104
- Hoover Commission. *See* Commission on
Organization of the Executive
Branch of the Government.
- Horne, John E., 27
- Howard, Harry N., 25, 96, 110-111, 127
- Howe, Fisher, 902
- Hoyer Millar, Sir Derick, 472*n*
- Hughes, William P., 990*n*
- Hulten, Charles M., 51-52
- Human rights. *See under* United Nations:
General Assembly.
- Humelsine, Carlisle, 51, 589*n*, 755*n*
- Hungary, 12, 37, 101, 178, 183*n*, 565
- Hyde, James N., 27, 135, 308, 418
- Hydrogen bomb, 228-229
- Iceland, 37
- Ikramullah, M., 95
- Immigration Act of 1917, 957*n*
- Immigration Act of 1924, 49-50
- Immigration and Naturalization Ser-
vice, 955-957, 967
- India (*see also under* United Nations:
General Assembly: Country posi-
tions and *see* Indian position *under*
United Nations: Security Council:
Chinese representation), 29*n*, 97,
106-107, 118-119, 214-215, 225,
261, 263, 292, 400, 454, 542, 546
- Indians in the Union of South Africa,
treatment of. *See under* United Na-
tions: General Assembly.
- Indonesia, 9*n*, 31, 45, 49-51, 181, 201-
202, 216, 226, 372, 400, 570
- Ingram, George M., 25, 53
- Inner Mongolia, 262-263
- Institute of Inter-American Affairs, 595,
680-681, 857, 861, 1009, 1014-
1015, 1033
- Inter-American Commissions for Pro-
duction and Development, Con-
ference of, 1944, 790
- Inter-American Conference for the De-
fense of Democracy, 1037
- Inter-American Defense Board, 628, 635
- Inter-American Economic and Social
Council, 589-590, 673-686, 699, 704
- Inter-American economic conference at
Buenos Aires, proposed, 676-677
- Inter-American Financial and Economic
Advisory Committee, 791
- Inter-American Highway, 919, 971, 972*n*
- Inter-American Juridical Commission,
1007
- Inter-American Peace Committee, 596,
641, 651, 653, 849
- Inter-American Radio Office, 847
- Interdepartmental Advisory Council on
Technical Cooperation, 681
- Interdepartmental Committee on Sci-
entific and Cultural Cooperation,
595, 857
- Interdepartmental Trade Agreements
Committee, 942-944, 1043*n*, 1045,
1047-1048
- Intergovernmental Committee on
Refugees, 539
- Interior, U.S. Department of the,
689, 1046
- Internal Security Act of 1950 (McCarran
Act), 72, 75-79
- International Bank for Reconstruction
and Development, 39, 388, 594,
721, 758, 761-763, 766, 771, 775-
776, 778*n*, 779-781, 784, 786-787,
799, 809-810, 829, 862, 952, 962,
985, 996, 1015
- International Civil Aviation Organi-
zation, 90-92, 103, 388
- International Committee of the Red
Cross, 380, 386, 388, 556, 558
- International Conference of American
States (Ninth) at Bogotá, *Mar. 30-
May 2, 1948*, 625, 676, 819, 837*n*
- International Court of Justice, 12-13,
43, 142, 182, 344, 378, 456, 467,
474-490, 492*n*, 493-504, 506-507,
568, 827, 994-995, 997-1000, 1002-
1005, 1007
- International Development Act, *June 5,
1950*, 596*n*, 680, 771, 776
- International Development Advisory
Board, 681
- International Harvester Company, 1011
- International Justice, Permanent Court
of, 475, 486
- International Labor Organization, 40,
90-92, 103, 381, 388, 973*n*
- International League for the Rights of
Man, 64-65
- International Military Tribunal, 548

- International Monetary Fund, 388, 721, 745, 763, 783-784, 787, 799-801, 809, 824, 859, 979
- International Organizations Immunities Act, 1945, 47-49
- International peace and security, maintenance of. *See under* United Nations: General Assembly *and under* United Nations: Security Council.
- International Refugee Organization, 39, 287, 388, 537-539, 541-543, 545, 547, 549-550
- International Telecommunications Union, 103, 388, 533
- International Trade Organization: Charter: Ratification question, 377; signatories, 824, 859, 977; Soviet attitude toward, 381; U.S. ratification, question of, 40, 395, 859*n*, 940-942
- Interim Commission, 388
- Iran, 29*n*, 31, 45, 95, 106, 108, 119, 221, 265, 303, 432, 1048
- Iraq, 119, 302*n*, 500, 502-503, 550, 558, 570, 581
- Ireland, 37, 183*n*
- Isbrandtsen Lines, 1022
- Israel (*see also* Palestine), 14-15, 29*n*, 37, 218, 365-366, 549-550
- Italian colonies, disposition of former, 31, 33, 293, 436
- Italy, 21, 29*n*, 37, 104-105, 183*n*, 202, 293, 542, 545, 758, 841
- Jackson, Donald L., 590, 905
- Jackson, Wayne G., 472*n*, 1037*n*
- James, S. T., 1010-1011
- Jamieson, Edward A., 657*n*, 926*n*
- Jamieson, K. D., 318*n*
- Janz, Robert, 836
- Japan, 552-554, 556-557, 599, 758
- Japanese peace settlement or treaty, 374, 376, 395, 629
- Jebb, H. M. Gladwyn, 102, 119-120, 123, 125-126, 129-130, 136, 138, 140, 142-144, 146, 148, 152, 156, 167, 181, 249, 269*n*, 308-309, 312-315, 316*n*, 325, 530
- Jersey Oil Company, 694, 708
- Jerusalem, Statute for, 14-15, 44, 217, 286
- Jessup, Philip C., 259, 331, 902-903
- Johnson, Edwin C., 787*n*
- Johnson, Herschel V., 759*n*, 760, 767, 770*n*, 782, 963, 1000*n*
- Johnson, Louis A. 583-584, 972-973
- Johnson, Richard A., 746
- Johnson, Richard N., 1042
- Joint, Edgar James, 739, 741-742
- Joint Chiefs of Staff, 3, 350-351, 353
- Jones, J. Jefferson, 25, 472*n*, 477*n*
- Jones, Lewis, 630*n*
- Jooste, G. P., 356, 420, 475-480, 482, 484, 487, 489, 491, 495-497
- Jordan, 14-15, 37, 183*n*
- Juncosa Seré, Julio M., 695, 698-699, 704, 717, 743
- Justice, U.S. Department of, 52, 57, 61, 63, 72, 78, 648, 967, 1022-1023
- Kamarek, Andrew M., 963-964
- Kardelj, Edvard, 429*n*, 430
- Kashmir dispute, 61, 220, 224
- Katz-Suchy, Juliusz, 145
- Kaufman, Arthur, 28
- Kee, John, 224, 712
- Keenleyside, Hugh L., 751, 753, 754*n*
- Kefauver, Estes, 4, 953
- Keilhauer, Minor, 871, 931
- Kellog, Edmund H., 25
- Kellogg, Frank B., 606, 826
- Kelly, Willard F., 956
- Kempton, C. W., 759, 814*n*, 815-816
- Kennan, George F., 591, 598-624, 767, 899
- Kennecott Copper Corporation, 792*n*
- Keough, Eugene J., 948-949
- Kerno, Ivan S., 227, 371*n*
- Keynes, John Maynard, 689
- Kidder, Randolph A., 713*n*, 758*n*, 759*n*, 771-773, 775, 782
- King, Spencer M., 744-745, 747-750, 754*n*
- Kingsley, J. Donald, 550*n*, 577
- Kirk, Alan G., 189-190, 198-199, 220-223, 310-311
- Klein, Julius, 996
- Koehler, John T., 1023*n*
- Kopper, Samuel K. C., 472*n*
- Korea (*see also* North Korean aggression against Republic of Korea *under* United Nations: General Assembly *and* Korean question *under* United Nations: Security Council):
- North Korea: Attack on Republic of Korea, June 25, 1950, 245-247, 258, 272, 396, 476*n*, 585, 625, 627*n*, 630, 635, 670, 730*n*, 835, 856, 906-909, 923, 967, 994; People's Republic of China, support from, 270-273; Soviet support for, 264, 271, 408, 850; U.N. membership, proposed, 37
- Republic of Korea, 29*n*, 31, 37, 183*n*
- Kotschnig, Edmund H., 25
- Krieg, William L., 947-949, 994, 996, 1000, 1028*n*, 1042-1046
- Kural, Adnan, 127
- Kuwait, 1048
- Kyriazidis, Nicolas J., 55-63
- Kyriazidis, Mrs. Nicolas J., 62-63
- Labor, U.S. Department of, 955
- Labor Organization, International, 40, 90-92, 103, 381, 388, 973*n*
- Lacoste, François, 99-100, 420, 427
- Laise, Carol C., 25
- Lall, Shamaldharee, 371*n*
- Lane, Arthur Bliss, 838*n*, 841
- Lange, Halvard M., 122, 152, 155
- Langier, Henri, 371*n*

- Lansing, Robert, 606
 Larin, Don, 956-957
 Laskey, D. S., 101, 406, 472*n*
 Latin America. *See* American Republics.
 Laurentie, Henri, 472*n*
 Lavalle Garcia, Juan Bautista de, 1003, 1006
 League of Nations: Council, 482, 490; Covenant, 486, 504, 507; dissolution of, 497; mandates system, 442, 445, 474*n*, 475*n*, 479, 481-482, 487; Permanent Mandates Commission, 476, 478-479, 485, 487, 490, 492, 494, 505; South West Africa mandate, 474, 477, 482-483, 486-488, 490-491, 493, 498, 501, 504, 506-508
 Lebanon. *See* under United Nations: General Assembly: Country positions and under United Nations: General Assembly: Security Council elections: Candidates
 Lend-lease, matters concerning, 610, 756, 759, 783, 815-816, 825, 843, 854, 810, 984, 1036
 LeRoy, Phyllis L., 25
 Lesage, Jean, 550
 Levangie, George W., 982, 985-987
 Lewis, Harrison, 27
 L'Heureux, Hervé Joseph, 49
 Liberia, 403, 902
 Libya, 21, 286
 Lie, Trygve (*see also* Secretary-General under United Nations and Lie Twenty-Year Peace Plan under United Nations: General Assembly): Atomic energy, proposed conference of scientists on, 236
 Chinese representation in organs of the United Nations, 189-190, 200, 205-206, 210-214, 217-218, 223, 226-228, 233-235, 237-238, 241-242, 244, 268-269, 285-286, 290, 372, 380, 384, 388
 Meeting between Stalin and President Truman, proposed, 373, 379-384
 Nongovernmental representation before U.N. agencies, 74-75
 Reappointment as Secretary-General, 87-89, 98-100, 102, 112-115, 120-121, 128-142, 144-173, 176-178
 South West Africa question, 497, 502
 Soviet boycott of the United Nations, 233-234
 Soviet withdrawal from the United Nations, possibility of, 234
 U.N. budget, 86
 U.N. headquarters agreement, 47*n*
 U.N. Security Council, special meeting with Foreign Ministers as representatives, proposal for, 229-233, 235-237
 "Uniting for Peace" Resolution, 311-312, 321, 335
 Lie, Trygve—Continued
 Visit to Europe, 207, 245, 371*n*, 373, 378-383
 Linz, Paul, 750-753
 Livesay, Frederick, 814*n*
 Lleras Camargo, Alberto, 643, 675
 Lleras Restrepo, Carlos, 593*n*
 Lobenstine, James C., 984-987
 Lodge, Henry Cabot, 24, 85-86, 133, 135, 270, 293-294, 350-356, 411-412, 414, 416, 418-422, 431-432, 516, 565-570, 574
 Lombardo Toledano, Vicente, 899, 1002
 Lopez, Alfonso, 808, 838-839
 López, García, 946
 Louchheim, Walter C., 718
 Louw, Erik H., 489
 Lubin, Isador, 27, 77-78, 518
 Lucas, Scott, 768, 774
 Luns, J.M.A.H., 413-414
 Luxembourg, 403, 551
 Lynch, Edward, 963
 Lynch, Thomas J., 718
 MacArthur, General of the Army Douglas A., 169, 264, 313, 335
 Machado, Gerardo, 848
 Machado, Christiano, 766-767
 Machado, Luis, 683, 912, 914, 918
 Mackenzie King, William Lyon, 585
 MacVane, John, 28
 Maffitt, Edward P., 27, 150-151, 290
 M.A. Hanna Company, 1031
 Makin, N.J.D., 138
 Maktos, John, 26
 Malan, Daniel, 477, 479-481, 499
 Malaya, 255, 273
 Maleady, Thomas J., 728-730, 754-755
 Malembaum, Wilfred, 747, 749
 Malik, Charles, 12, 94, 128*n*, 156, 163-167, 170, 173, 414
 Malik, Yakov Aleksandrovich, 104, 120, 123, 129-130, 135-141, 143-146, 156, 165-170, 175, 190*n*, 192, 196, 198-199, 211-214, 229, 248-254, 259, 296, 306, 309, 312, 372, 386
 Mallory, L.D., 696-701, 710, 725*n*, 731, 735-738, 740, 742, 743*n*, 1000*n*
 Manchuria, 262
 Mann, Thomas C., 644-649, 659-662, 665-666, 755*n*, 869*n*, 876-880, 886-889, 901*n*, 907-909, 921*n*, 926, 928-929, 932-933, 939*n*, 942-944, 945*n*, 946, 950, 954, 968, 971, 994-995, 1028*n*, 1044*n*
 Maritime Commission, U.S., 787*n*, 788, 811
 Mao Tse-tung, 199, 211, 215, 218, 225
 Mara, Colonel, 928
 Marget, Arthur, 718, 963
 Marroquin Wyss, Ernesto, 924
 Marshall, General of the Army George C., 1041
 Marshall Plan. *See* European Recovery Program.

Martin, John, 472*n*
 Martin, William McChesney, 718, 734,
 777-778, 800, 814, 962
 Martinez Baez, Antonio, 944*n*
 Martinez Vargas, Don Ricardo, 744-
 745, 752
 Matthews, H. Freeman, 1041
 McCaffrey, John L., 1011
 McCarran, Patrick A., 72
 McClelland, Roswell D., 26
 McCullough, James A., 963
 McDermott, Michael J., 935*n*, 1001
 McDonald, Harry A., 718, 722
 McEachen, Roberto E., 122
 McFall, Jack K., 231*n*, 585-586, 639-
 640, 755-756, 841, 957*n*
 McGhee, George C., 124-125, 472*n*, 902
 McGrath, J. Howard, 2, 57-58, 61-63,
 73-74, 77-78, 567*n*, 625, 648, 689,
 956
 McGrory, Elizabeth M., 939*n*, 944*n*
 McKeever, Porter, 28, 78, 135
 McMahon, Brien, 792
 McNair, Arnold Duncan, 490
 McNeil, Hector, 92
 McNeill, Charles R., 718, 963
 McNicol, David W., 103
 McNutt, Louise, 96-97, 472*n*
 McWilliams, William J., 869*n*, 897
 Meade, Gerald, 108-109, 117, 316*n*,
 318*n*, 324*n*, 325, 472*n*, 473-474
 Meeker, Leonard C., 26, 73, 474
 Mendoza, José Luis, 927*n*
 Mendoza, Col. Miguel, 872
 Meng Yung-chien, 267
 Menon, 420, 579
 Merchant, Livingston T., 46*n*, 231*n*,
 257*n*
 Merritt, M. M., 1010
 Messersmith, George S., 937*n*
 Metzger, Ham, 739-740
 Metzger, Stanley D., 880*n*
 Mexico (*see also under* United Nations:
 General Assembly: Country posi-
 tions):
 Aerovias Guest, negotiations regarding
 landing rights for, 944, 946,
 958-959, 968
 Belize, reservation of rights regard-
 ing, 926
 Civil aviation negotiations with the
 United States, 944-946, 957-959,
 964, 968
 Communist activities, 726
 Cuba, relations with, 850
 Debt service position, 961-962
 Economic agreement of Bogotá, policy
 toward, 677-678
 Export-Import Bank loan, 733, 760-
 761, 766, 775, 810, 937-938, 950,
 952-953, 959-965
 Guatemala, relations with, 902
 Haitian military junta government,
 recognition of, 934
 Inter-American treaty of reciprocal
 assistance, ratification of, 926

Mexico—Continued
 International Bank for Reconstruc-
 tion and Development loan,
 proposed, 952-953
 Irrigation project, proposed U.S.
 loan for, 950, 952-953, 964-965
 Labor movement, 866
 Mexican farm labor for the United
 States, problems concerning, 954-
 957, 965-968
 Petroleum companies, treatment of
 American and British, 881-882
 Petroleum imports; proposed U.S.
 restrictions on, 947-949
 Petroleum loan to *Petróleos Mexi-
 canos S.A. (PEMEX)*, proposed,
 936-939, 950-954, 960, 965*n*
 Political situation, 592
 Reciprocal Trade Agreement of 1942
 with the United States, ter-
 mination of, 939-944, 948-949,
 954, 990, 1028-1029, 1043-1047
 Territorial limit of 9 miles, U.S.
 protest against, 946-947
 U.N. Economic and Social Council,
 member of, 105, 108, 119
 U.S. economic and financial as-
 sistance, 939, 953
 U.S. political and economic relations
 with, 626, 629, 936-968
 U.S. technical assistance, 612, 937,
 939, 953
 Venezuela, relations with, 1037
 Meyers, Howard, 105
 Migratory Labor Commission, 966
 Military Tribunal, International, 548
 Miller, Edward G.:
 American Republics: U.S. economic
 and technical assistance policy
 toward, 672, 675-681, 686-687,
 690*n*; U.S. military policy to-
 ward, 597*n*, 632; U.S. policy re-
 garding, 624-628, 635*n*, 637-638
 Argentina, U.S. relations with, 691-
 693, 696-701, 703-705, 707-708,
 711-712, 713*n*, 714, 721, 724*n*,
 725*n*, 728, 729*n*, 730-735, 738*n*
 Bolivia, U.S. relations with, 744-745,
 750-752
 Brazil, U.S. relations with, 757, 759*n*,
 760-771, 767-768, 770, 774-780,
 781*n*
 Caribbean area disputes, U.S. interest
 in peaceful settlement of, 641-642
 Chile, U.S. relations with, 786-788,
 792-793, 798-800
 Colombia, U.S. relations with, 807,
 809*n*, 814-815, 830-833, 834*n*,
 835, 837*n*, 839-841
 Cuba, U.S. relations with, 851*n*
 Guatemala, U.S. relations with, 876,
 877*n*, 880, 887-888, 901-907,
 909-910, 919*n*, 923
 Haiti, U.S. relations with, 932-934

- Miller, Edward G.—Continued
 Mexico, U.S. relations with, 936-937, 943-944, 946-947, 949_n, 958_n, 959-961, 963, 965_n, 968, 1028_n
 Panama, U.S. relations with, 971, 972_n
 Peru, U.S. relations with, 983, 994_n, 996, 998-1007
 U.N. Secretary-General, reappointment of, 159-163
 Uruguay, U.S. relations with, 1008-1009, 1011-1012, 1015_n
 Venezuela, U.S. relations with, 1037_n, 1040-1041, 1044_n
 Visit to American Republics (*see also* Visit by Assistant Secretary of State Miller under Argentina and Guatemala), 590
 Millikin, Eugene D., 787_n
 Mills, Sheldon T., 595_n, 763, 792_n, 805_n, 809, 814-815, 943, 983-985, 994_n
 Mills, William H. A., 27
 Mindszenty, Jozef Cardinal, 850
 Miranda, Miguel 726
 Modzielewski, Zygmunt, 136-138, 141, 147-148, 151
 Moline, Edwin G., 1046-1049
 Molotov, V. M., 170, 379-381, 387, 554
 Monetary Fund, International, 388, 721, 745, 763, 783-784, 787, 799-801, 809, 824, 859, 979
 Mongolian People's Republic, 37, 183_n
 Monod, Guy, 472_n
 Monroe, James, 605
 Monroe Doctrine, 605-606
 Monsma, George N., 926_n
 Monzón, Lt. Col. Elfego, 920_n, 921_n, 924
 Moore, Robert C., 89
 Morales López, Col. Oscar, 903-904, 928
 Moreno, Lt. Col. Felix Roman, 1040-1041
 Morgan, Hector, 924
 Morse, Wayne, 959_n
 Most-favored-nation treatment, 940-942, 944_n, 990-991, 1029
 Motley, Arthur W., 956
 Mudaliar, Ramaswami, 120
 Mulumba, Semakula, 444
 Munitions Board, 585, 689, 745
 Muniz, João C., 213
 Muñoz Marin, Luis, 851, 868
 Munoz Meany, Enrique, 867
 Murden, Forest D., 28
 Murphy, Charles S., 937, 939_n, 950
 Murphy, Francis T., 984
 Murphy, Robert D., 438-441
 Mutual Defense Assistance Act of 1949, 36, 597, 729_n, 821, 928_n, 1037, 1040
 Mutual Defense Assistance Program, 639, 928-929
 Myrdal, Gunnar, 388
 Nabuco, Joaquim, 764, 766
 Nabuco, Mauricio, 763-771, 773_n, 774-776
 Nambiar, A. C. N., 419
 Nash, Frank C., 27
 National Advisory Council on International Monetary and Financial Problems, 716_n, 717-724, 734_n, 758, 761-762, 766, 771, 778, 780-781, 787, 799, 950, 953, 961-965
 National City Bank of New York, 705, 728
 National Security Council: American Republics, U.S. policy toward, 619-620, 624, 627-628, 637-638; defense of Western Hemisphere, 1037
 National Security Resources Board, 585, 689
 Naudy, Andre, 472_n
 Nauru, 446_n
 Near and Middle East countries (*see also individual countries*), 12, 168, 171-172, 352, 810, 938, 951, 1027, 1046-1047
 Nehru, Pandit Jawaharlal, 151, 248_n, 255, 295
 Nepal, 37, 183_n
 Neruda, Pablo, 886, 922
 Netherlands, 11, 403, 413-414, 420, 425-426, 446_n, 452-453, 456, 480, 536, 551, 683
 Netherlands West Indies, 1030, 1038, 1047-1049
 Newbegin, Robert, 835, 837_n
 Newberry, Camann, 28
 Newcomer, Gen. Francis, 970_n, 980
 Newfoundland, 584
 New Guinea, 446_n
 New Zealand, 119, 446_n, 452-453, 456, 492, 500
 Nicaragua: Costa Rica, relations with, 596; Cuba, relations with, 845-846, 848-849; Dominican Republic, relations with, 647; technical assistance agreement with the United States, Dec. 23, 1950, 680; U.N. General Assembly, matters concerning, 111, 283
 Nicholson, Donald L., 876
 Nicolini, Oscar L. M., 726
 Nieto del Rio, Felix, 786-788, 791-792, 793_n, 798
 Nisot, Joseph, 472_n
 Nitze, Paul, 632, 637-638, 686
 Nolan, Charles P., 797_n, 832_n, 944_n, 1019
 Nonintervention policy. *See under* American Republics.
 Norden, Carl F., 705
 Noriega, Raul, 163, 579
 North Atlantic Council, 9
 North Atlantic military program, 263
 North Atlantic Treaty, Soviet attitude toward, 170

Norway (*see also* Norwegian position under United Nations: Security Council), 11, 19, 96-98, 118, 253, 266, 310, 402, 502-503, 551, 570

Notter, Harley, 9-10

Noyes, Charles P., 27, 132, 135, 158-159

Nufer, Albert F., 589, 677*n*, 846*n*

Oakley, R. Kenneth, 1010

Oblitas, Severo, 746

O'Connell, Joseph, 946, 957

Odria, Gen. Manuel A., 982, 984*n*, 985-987, 992-993, 999-1000, 1002-1006

O'Dwyer, William, 968*n*

O'Gara, John E., 747-750

Ohio Oil Company, 985*n*

Ohly, John H., 729*n*

Ohmans, John L. 956

Olaya, Enrique, 826

Olney, Richard, 605, 614

Ordonneau, Pierre, 9, 93-94

Organization of American States (OAS):
Charter, 519*n*, 568, 639-640, 652
Council (COAS):

Chairman, 642-643

Provisional Organ of Consultation:
Caribbean area disputes, 596, 643-644, 651, 653-659, 661, 664*n*, 849

Costa Rica-Nicaragua dispute, 642

Dominican charges against
Cuba, Haiti, and Guatemala, 643*n*, 651*n*, 652-656, 658, 661, 663, 666, 849, 899

Haitian charges against Dominican Republic, 641-644, 646, 648, 651*n*, 652-656, 658, 661, 849

Investigating committee, 643-644, 648, 649*n*, 650-657, 666*n*, 899

Special Committee for the Caribbean, 661*n*, 665-667

U.S. representative, 589-590

Economic disputes, 678

Functions, 994, 998

Inter-American Economic and Social Council, 683-684

Lleras report, 675

Organ of Consultation (Foreign Ministers) under Rio Treaty, 627*n*, 641-643, 651, 652*n*, 690*n*, 1007, 1045

Participating countries, 852, 935

Peru-Colombia dispute regarding asylum, 998

Secretary-General, 21, 643, 675*n*

U.N. action in Korean conflict, support for, 640

U.N. observer, 21

U.S. policy toward, 590, 631, 635-637, 662, 900

Organization of European Economic Cooperation (OEEC), 207

O'Shaughnessy, Elim, 472*n*

Ospina Pérez, Mariano, 812, 813*n*, 814-816, 819-820, 822, 827, 829, 831-832

O'Sullivan, James L., 472*n*

Owen, David K., 371*n*, 684

Pacific Islands, Trust Territory of the, 446*n*

Padillo Nervo, Luis, 93, 95, 100, 122-123, 146*n*, 148*n*, 154, 156, 158-168, 173-174, 411-412, 420, 563

Page, Arthur, 792*n*

Pakistan (*see also* under United Nations: General Assembly: Country positions), 13-14, 29*n*, 37, 106, 108, 119, 260, 542, 546, 559-563 *passim*

Palar, Lambertus, 201-202

Palestine (*see also* Israel and Jerusalem and Palestine question under United Nations: General Assembly and under United Nations: Security Council), 31

Palestinian refugees, 639

Pan American Grace Airways, 695, 698, 704, 707, 782

Pan American Highway. *See* Inter-American Highway.

Pan American Institute of Geography and History, 793

Pan American Society, 590

Pan American Union, 674, 925-927

Pan American World Airways, 695, 698, 708, 782, 945-946

Pan Americanism, 620-621, 770

Panama:

Abaca program, 970

Claims convention with the United States, Jan. 26, 1950, 969, 971, 979

Colombia, relations with, 826, 978

Colón Corridor convention with the United States, May 24, 1950, 979

Communist activities, 974-975

Economic agreement of Bogotá, policy toward, 678

Ecuador, relations with, 978

Gran Colombiana relationship, 826, 861, 978

Highway convention with the United States, Sept. 14, 1950, 980

International Monetary Fund payments, arrangements for, 979

International Trade Organization Charter, signatory of, 977

Labor problems, 973-977, 980

Organization of American States, matters pertaining to, 655

Political situation, 591-592, 969-970
Soviet Union, lack of relations with, 978-979

Spain, relations with, 978

Panama—Continued

- Technical assistance agreement with the United States, *Dec. 30, 1950*, 680, 977*n*
- United Nations, policy toward, 978
- U.N. General Assembly, matters concerning, 402
- U.S. economic and financial assistance, 975, 977, 979
- U.S. political and economic relations with, 626, 969–981
- U.S. technical assistance, 680, 969, 975, 977, 979
- Venezuela, relations with, 978
- Panama Canal, 599, 626, 818, 821, 843, 855, 970, 972–974, 977, 979
- Panama Canal Zone, 972–977, 979–981, 1024
- Panama Railroad Corporation, 972–973
- Pandit, Madame Vijayalakshmi, 334–335, 562–565, 568
- Pando, Colonel, 993
- Pannikar, K. M., 295
- Pao, Chun-chien, 240
- Paraguay: Debt service position, 961; Organization of American States, matters concerning, 654; political situation, 591, 806; technical assistance agreement with the United States, *Dec. 29, 1950*, 680; U.N. General Assembly, matters concerning, 111, 403; U.S. economic assistance, 687; Uruguay, relations with, 1017
- Parodi, Alexandre, 250*n*, 311, 319
- Parrott, Cecil C., 92–93, 219–220, 339–340, 343*n*, 356, 390, 406, 437–439, 480–481
- Parsons, William W., 718
- Pastrana, Misael, 1000*n*
- Patrick, M. G., 1010–1011
- Patterson, Richard C., 865–866, 869–872, 874*n*, 875–879, 886, 899, 901–902, 904, 907, 913, 920
- Pattison, Daniel W., 816–817, 836, 838
- Paulino, Mrs. Anselmo, 645, 647, 649
- Pawley, William, 759
- Paz, Hipólito, 693, 726*n*, 728–732
- Pearson, Lester B., 94–95, 102, 130, 400, 411, 414, 419, 426, 432, 584*n*
- Pellecer Duran, Carlos Manual, 924
- Peñaranda, Juan, 752
- Perez, Fortunato, 746
- Perez, Martin, 946
- Pérez Jimenez, Marcos 1042
- Perkins, George W., 54*n*, 245, 255, 472*n*, 583, 902
- Permanent Court of International Justice, 475, 486
- Peron, Juan, 272, 692–703, 707, 713*n*, 714, 721, 725–733, 739–740, 997, 1016
- Peron, Mrs. Juan, 699–700, 702–703, 726–727
- Peru (*see also under* United Nations: General Assembly: Country positions):

Peru—Continued

- Argentine good offices, proposed, 997–998, 1000
- Arms shipments to, U.S., 597
- Brazilian good offices, proposed, 1000
- Colombia, relations with, 827, 994*n*, 995, 997–1007
- Commercial arrears, liquidation of, 988–989
- Double taxation convention with the United States, proposed, 992
- Ecuador, boundary dispute with, 162, 860, 999, 1002, 1006
- Export-Import Bank loan, 996
- Friendship, commerce, and navigation treaty with the United States, proposed, 992
- General agreement on tariffs and trade, attitude toward, 987, 990–992
- Guatemala, attitude toward, 997
- Haya de la Torre, dispute with Colombia regarding political asylum of, 827, 994–995, 997–1009
- Import restrictions, discriminatory features of, 988–989
- Inter-American treaty of reciprocal assistance, ratification of, 926, 983
- International Bank for Reconstruction and Development loan, proposed, 985, 996
- International Petroleum Company, proposed concession for, 983*n*
- Klein Mission, 989, 992*n*, 996
- Lend-lease settlement, negotiations concerning, 984
- Petroleum legislation, 982–987, 992–994
- Political situation, 591–592
- Reciprocal trade agreement of 1942 with the United States, proposed revision of, 989–990
- U.N. Economic and Social Council, member of, 105, 107, 119
- U.S. good offices, offer of, 1000–1001
- U.S. political and economic relations with, 626, 786, 982–1007
- Uruguay, attitude toward, 997
- Petroleum Policy Committee, 1046
- Philippines (*see also under* United Nations: General Assembly: Country positions), 12, 19, 97, 273, 291, 662
- Picó, German, 799–800
- Pierrot, A. Ogden, 26, 519*n*, 578, 580–581
- Pinkerton, Lowell C., 116*n*
- Pinto Usaga, Manuel, 865, 875–876, 884*n*, 887, 908, 920, 924
- Platt amendment, 605–606, 844
- Plaza Lasso, Galo, 856–857, 859, 862

Plimsol, James M., 103-104
 Point Four Program, 103, 595, 610, 612-613, 628, 631-632, 634, 639, 679-681, 769, 773, 777, 778n, 779, 830, 917-918, 937-938, 969, 977n, 1009, 1039
 Poland, 11, 77, 98, 106-108, 119, 302n, 432, 558n
 Policy Planning Staff of the U.S. Department of State: American Republics, U.S. policy toward the, 635n, 637-638; Guatemala, U.S. relations with, 903; recognition policy of the United States, 284
 Political asylum, 653, 994-995, 997-1002, 1004, 1007
 Poole, Jack, 741
 Popper, David H., 26-27, 86, 89, 95-96, 110-111, 124-126, 176-177, 269-270, 295, 334-337, 344, 391, 575
 Porter, Franklin, 28
 Portocarrero, Juan Nicolás, 1006
 Portugal, 37, 183n
 Potofsky, Jacob S., 724n
 Potsdam Conference, *July 16-Aug. 2, 1945*, 373
 Prebisch, Raúl, 684-685
 Preparatory Commission of the United Nations, 114-115, 133
 Price, Byron, 86, 205, 207, 371n, 379, 383
 Price, Leonard H., 659, 662n
 Prió Socorras, Carlos, 154, 212, 659-661, 662n, 850-851, 912-916, 918-919
 Prisoners of war. *See under* United Nations: General Assembly.
 Public Roads Administration, 971
 Puerto Rico, 489, 698n, 848, 851, 867-869, 1037
 Quantitative trade restrictions, 655, 656n, 736, 746
 Quesada Guerra, Luis Miró, 986
 Quevedo, Antonio, 142-143, 146, 161-163, 167
 Quintanilla, Luis, 642-644, 656, 658n, 903
 Radius, Walter A., 717n
 Rankin, Forney A., 905
 Rau, Sir Benegal N., 137, 142-143, 146, 151-152, 156, 164-167, 169, 192, 204, 208, 210, 217, 292-293, 295-297, 304, 310, 313, 345, 425
 Ravndal, C. M., 682-686, 724n, 1008-1012, 1015n
 Rayburn, Sam, 947-949
 Raynor, G. Hayden, 10, 26, 97, 108-109, 153, 245-246, 316n, 318n, 337-340, 343n, 344, 356, 472n, 477n, 494-497
 Read, John E., 490
 Reams, Robert B., 196-197
 Recognition of governments:
 American Republics, U.S. recognition policy toward, 592

Recognition of governments—Continued
 China. *See* Chinese representation
 under United Nations: General Assembly *and under* United Nations: Security Council *and see under* China, People's Republic of.
 Diplomatic recognition, 281, 283-284
 Haiti, U.S. recognition of military junta government of, 932-935
 U.S. policy, 284, 974, 1034
 Red Cross, International Committee of the, 380, 386, 388, 556, 558
 Reece, William A., 697n
 Refugee Organization, International, 39, 287, 388, 537-539, 541-543, 545, 547, 549-550
 Refugees, Intergovernmental Committee on, 539
 Refugees from Palestine, 639
 Refugee questions. *See* Refugees and stateless persons *under* United Nations: Economic and Social Council *and see under* United Nations: General Assembly.
 Regules, Dardo, 1011
 Remorino, Jerónimo, 692, 698-699, 704-705, 717, 726, 730n, 731-732
 Rentzel, Delos, 717n
 Republic Steel Company, 1031
 Restrepo Jaramillo, Gonzalo, 837, 838n, 997
 Reuchlin, Jonkheer O., 105
 Revere Copper and Brass Company, 792
 Reyna, Manuel, 1047n
 Ribas, José M., 212
 Richard, Théophile, 660n
 Richmond Oil Company, 993
 Rickenbacker, Capt. E. V., 946
 Riddell, R. G., 411
 Ritchie, C. S. A., 411, 414, 426n
 Robertson, William S., 708, 740-741
 Rochefort, Robert, 577
 Rockefeller, Nelson A., 681, 770n
 Rockwell, Stuart W., 26
 Rodieck, Col. L. H., 354
 Rodriguez, Gen. Juan, 668-669
 Rodriguez, J. R., 663n
 Rodriguez, José Horacio, 668-669
 Rodriguez Loran, Sebastian, 644-649
 Roland, Astrel, 645, 656
 Romania, 12, 37, 101, 178, 183n, 432, 565
 Romulo, Brig. Gen. Carlos P., 90, 93-96, 117, 130, 148, 156, 164-167, 170, 173, 189-190, 200, 223, 265-267, 269n, 276, 290-291, 296
 Roosevelt, Eleanor (Mrs. Franklin D.), 24, 85, 133-134, 271, 274, 293, 418-419, 516-518, 521, 532-533, 541n, 567-568, 574, 578
 Roosevelt, Franklin D., 372, 379, 585, 937
 Roosevelt, Theodore, 606
 Root, Elihu, 605
 Rope, Frederick, 28

- Roper, George S., 944-946
 Rosario Brache, Ruben, 647
 Ross, John C., 3*n*, 24, 86, 99-102, 120, 128, 135, 154, 160-165, 176-177, 210, 213-214, 227-231, 233-238, 266, 268, 269*n*, 290, 292-293, 295, 316*n*, 366*n*, 391, 397, 570, 574
 Ross, Robert W., 1011
 Rountree, William M., 109-110
 Ruanda-Urundi, 446*n*
 Rubottom, Roy R., 939-940, 942, 945*n*, 954-957, 967*n*, 968
 Ruiz, Julio, 788
 Runyon, Charles, 26
 Rusk, Dean, 4-5, 54-55, 73, 205-206, 227, 230, 231*n*, 238, 254, 257, 259, 262-264, 272-274, 344, 351, 472*n*, 653*n*
 Ryan, Oswald, 957-959
 Ryckmans, Pierre, 472*n*
 Saint Laurent, Louis S., 584*n*
 Salazar, Eduardo, 716
 Salazar, Joaquin E., 642-643
 Saldias, Rear Adm. Roque A., 982
 Salguero, Hugo, 922
 Salinas, Ramón, 796-797
 Salino, Charles, 875
 Salisbury, Lord, 605
 Samoa, Western, 446*n*
 Sampson, Mrs. Edith, 24, 516, 557*n*, 566, 574, 578
 Sanders, William, 657*n*, 658, 926*n*
 Sandifer, Durward V., 9*n*, 51, 53, 55, 65, 117, 152*n*, 153*n*, 231*n*, 266, 308, 335, 357, 366-368, 414
 Santa Cruz Barcelo, Hernán, 94-95, 122, 241, 363-364, 683-684
 Santos, Eduardo, 808
 Sarper, Selim, 124, 127
 Saudi Arabia, 522, 535, 630, 687, 1048
 Sauer, Walter C., 691, 711, 718, 733-734, 963
 Sawyer, Charles, 718, 770, 787-788, 965
 Saxon, James J., 718
 Sayre, Francis B., 196-197
 Scandinavian countries, 97, 530, 576
 Scarlett, Peter W.S.Y., 195
 Schachert, 737
 Schaetzel, J. Robert, 747-748
 Schuman, Robert, 88, 100, 146*n*, 147*n*, 150-152, 156*n*, 157*n*, 245, 287, 292, 311, 340, 346, 382, 387, 391*n*, 437, 439*n*, 440
 Scientific and Cultural Cooperation, Interdepartmental Committee on, 595, 857
 Scott, Robert H., 215
 Scott, Michael, 63-65, 72-75, 477, 491
 Seatrain Lines, 845*n*
 Secretary-General of the United Nations. *See* Lie, Trygve and *see also* under United Nations.
 Securities and Exchange Commission, 722
 Shaffner, Felix I., 718
 Sharett, Moshe, 365-366
 Shaw, Leo Nelson, 728
 Shaw, George P., 864
 Shipping Act of 1916, 797, 1023
 Shone, Sir Terence, 93, 101, 241
 Shooshan, Harry M., 414
 Silva Jonana, Mario, 908
 Silvercruijs, Baron Robert, 472*n*
 Simmons, John F., 228, 239
 Simsarion, James, 26, 516-517, 519*n*, 522*n*
 Singer, Jeanne, 28
 Sinkiang, 262
 Siracusa, Ernest V., 597*n*, 910, 920*n*, 925-930
 Smith, George, 739
 Smith, Mead, 973*n*
 Smuts, Field Marshal Jan Christiaan, 487-488
 Snow, William P., 155
 Snyder, John W., 717, 722, 771-772, 777-778, 781, 950, 963, 965
 Sobolev, Arkadiy Aleksandrovich, 211
 Socony Vacuum Oil Company, 694*n*
 Somaliland (Italian), draft trusteeship agreement for, 15
 Somoza, Anastasio, 899
 Soskice, Sir Frank, 427-430
 Sourdis, Evaristo, 811-814, 830*n*, 831-832
 South Africa, Union of. *See* Union of South Africa.
 South American Minerals and Merchandise Corporation, 750
 South Asia, 260, 629, 686
 Southard, Frank A., 718, 783*n*, 963
 Southeast Asia, 260, 436, 767
 South West Africa. *See* South West Africa question under League of Nations, United Nations: General Assembly, United Nations: Trusteeship and non-self governing territories, and United Nations: Trusteeship Council.
 Sovereignty, matters concerning national, 4, 30, 34, 415, 443-444, 574, 599*n*, 623, 629, 797, 864, 881, 883, 894, 896, 925, 1014, 1016, 1027
 Soviet bloc. *See* under United Nations: General Assembly: Country positions.
 Soviet satellites, 38, 44, 55, 178, 180, 214, 222, 242-243, 305, 352, 383, 394, 396*n*, 448, 454
 Soviet Union (*see also* Soviet and Soviet Union subheadings under individual subjects): Political and military activities and pressures, 31, 34, 128, 206, 217, 221-222, 304, 315, 338, 372, 389-390, 394, 400, 405, 599; U.N. Economic and Social Council, member of, 11, 106-107; U.N. Security Council, permanent member of, 118; U.N. Trusteeship Coun-

- Soviet Union—Continued
 cil, member of, 119; U.S. policy toward, 229
- Spaak, Paul-Henri, 130, 207
- Spain, 20-21, 29ⁿ, 37ⁿ, 182, 217, 227, 286, 533, 692, 827, 850, 934, 978
- Spalding, Hobart A., 649ⁿ
- Spangenberg, Guillermo Rogue, 741-742
- Sparkman, John J., 4, 24, 73, 86, 294-295, 516, 574
- Sparks, Edward John, 1041-1042, 1047ⁿ
- Spender, P. C., 419
- Spiegel, Harold R., 747
- Sri Lanka (Ceylon), 37, 183ⁿ, 260
- Stabell, B., 309-310
- Stabler, Wells, 26, 365-366
- Stalin, Iosif Vissarionovich: Atomic weapons, proposed prohibition of, 380; Communist movement in Latin America, 914, 916; conventional armaments, Soviet position regarding regulation of, 380; International Trade Organization Charter, attitude toward, 381; Lie Peace Plan, 378-382, 384, 387; meeting with Secretary-General Lie, 170, 379-384; North Korea, cable to, 169, 171; portrait, 372; President Truman, proposed meeting with, 373, 379-380, 383-384; prestige of, 1002; technical assistance program, 381; U.N. specialized agencies, attitude toward, 381; United States, attitude toward, 372-373
- Stambaugh, Lynn, 711, 771, 776, 799
- Standard Oil Company of New Jersey, 694ⁿ, 711, 937ⁿ, 983ⁿ, 1044ⁿ
- Startsev, A. K., 138
- State, U.S. Department of, Policy Planning Staff of. *See* Policy Planning Staff of the U.S. Department of State.
- Stein, Eric, 26, 105
- Steins, J. J., 718
- Stern, Fritz, 735ⁿ
- Stettinius, Edward J., 45, 788ⁿ
- Stewart, Gilbert, 28
- Stinebower, Leroy D., 781, 783-784, 814ⁿ, 953-954, 963
- Stockholm peace appeal, 396-397, 400, 403
- Strategic and critical materials, U.S. stockpiling program of, 628, 631-632, 634
- Straus, Oscar S., 751ⁿ
- Suárez Flamerich, Germán, 1042
- Sudan, 21
- Sunde, Arne, 136, 144-146, 213, 248, 309-310
- Supreme Commander, Allied Powers, Japan (SCAP), 294, 551-553, 557
- Swayzee, Cleon O., 880ⁿ
- Sweden, 19, 37, 183ⁿ, 403, 432, 452, 570
- Swift International, 693, 698, 704, 707-708
- Switzerland, 542, 1047
- Syria (*see also under* United Nations: General Assembly: Country positions), 21, 116, 118
- Szymczak, M. S., 718, 721, 723
- Taboada, Diógenes, 736-737
- Taft-Hartley Act, 882
- Taillon, 911
- Takla, Philippe, 128ⁿ
- Tamagna, Frank, 963
- Tanganyika, 442, 446ⁿ
- Tarchiani, Alberto, 104-105
- Tate, Jack B., 26, 51-54, 73, 78, 132, 231ⁿ, 294, 472ⁿ, 566-567
- Taxation, double, agreements and conventions, 587, 717ⁿ, 769, 772-773, 814, 992
- Taylor, Amos, 684
- Taylor, Paul B., 26
- Taylor, Tom, 704, 707-708
- Technical Cooperation, Interdepartmental Advisory Council on, 681
- Technical Cooperation Administration (TCA), 680-681
- Telecommunications Union, International, 103, 388, 533
- Tello, Manuel, 153-154, 946, 958ⁿ, 959, 968
- Territorial waters, questions involving attempts to extend, 850, 864, 946-947
- Tewksbury, Howard H., 704, 715, 728ⁿ, 730, 741
- Texas Company, 694ⁿ, 937ⁿ
- Thailand (*see also under* United Nations: General Assembly: Country positions), 19, 97, 283
- Thomas, Elbert D., 4
- Thomen, Luis F., 647
- Thompson, 472ⁿ
- Thompson, Josephine, 28
- Thompson, Llewellyn E., 231ⁿ
- Thompson, Malvina, 28
- Thornburg, Max, 804
- Thorp, Willard L., 705, 718, 720-724, 781, 800, 939ⁿ, 953-954, 1044ⁿ
- Thurston, Ray L., 26, 153-154, 562-563, 944-946
- Thye, Edward J., 755
- Tibbetts, Margaret Joy, 472ⁿ
- Tibet, 263
- Tirana, Rifat, 711, 718
- Tito, Josip Broz, 199, 226, 261, 426
- Tittmann, Harold H., 982-983, 984ⁿ, 986-988, 993, 997-998, 1002-1007
- Tobey, Charles W., 4
- Tobin, Maurice, 965
- Toriello, Jorge, 872
- Torres Bodet, Jaime, 100
- Townsend, Andrés, 906
- Trade Agreements Act, 990, 1043-1044, 1047

- Trade Agreements Committee, Inter-departmental, 942-944, 1043*n*, 1045, 1047-1048
- Trade Organization, International. *See* International Trade Organization.
- Treasury, U.S. Department of the, 595, 762, 769, 773*n*, 780, 814
- Treaties, conventions, agreements, etc. (*see also under individual countries*):
- Aggression, convention defining, between the Soviet Union and bordering states, 1933, 431-432
 - Air transport agreements: United States and Argentina, 1947, 717*n*; United States and Panama, 1949, 978-979; United States and Venezuela, 1948, 1033
 - Air transport services agreement between the United States and Brazil, 1946, 782; amendment, Dec. 30, 1950, 782
 - Amity Pact between Costa Rica and Nicaragua, 596*n*
 - Bermuda air agreement, 1946, 826*n*
 - Bogotá treaty, 1948, 770
 - Claims agreement supplementing convention of 1935 signed Nov. 15, 1949 and Jan. 24, 1950, 587
 - Cuba, relations between the United States and, 1903 and 1934, 844*n*
 - Economic agreement of Bogotá, 1948, 675, 677
 - Farm labor agreement between the United States and Mexico, 1949, 954-957, 966-967
 - Friendship and cooperation treaty between the United States and Panama, 1936, 972-973, 976
 - Friendship, commerce, and economic development treaty between the United States and Uruguay 1949, 595, 611, 677, 703, 814
 - General agreement on tariffs and trade. *See* General agreement on tariffs and trade.
 - Geneva conventions, 388, 552, 556
 - Habana convention on the rights and duties of states in event of civil strife, 1928, 652
 - Hague convention, 1907, 551-552
 - Headquarters agreement between the United States and the United Nations, 1947, 42, 46-86, 283
 - Hyde Park agreement between President Roosevelt and Prime Minister Mackenzie King, 1941, 585
 - Industrial mobilization agreement between the United States and Canada, Oct. 26, 1950, 585, 588
 - Inter-American treaty of reciprocal assistance (Rio treaty), 1947, 596, 620, 625, 639-643, 650-651, 656, 658, 693, 696, 721, 727-729, 732, 770, 828, 856, 866-867, 886, 900, 909, 912, 918, 920, 925-927, 983, 994, 1014, 1036
 - Treaties, etc.—Continued
 - Lend-lease agreements between the United States and: China, 1943, 783; Colombia, 1942, 815-816; Costa Rica, 1942, 842; Dominican Republic, 1941, 854; Guatemala, 1942, 910; Peru, 1942, 984
 - Mexico City agreement, 1945, 791
 - Monetary agreement between the United States and Panama, 1904, 979
 - Naval and air bases, U.S. leased in Newfoundland, agreement between the United States and Canada, 1941 and 1942, 594
 - North Atlantic Treaty, 1949, 170, 222, 350, 599, 896
 - Olaya-Kellogg air pact, 1929, 826
 - Panama, general relations agreement between the United States and, 1942, 970-971, 972*n*, 980
 - Peace, amity, navigation, and commerce treaty between the United States and New Granada, 1846, 824
 - Peace treaties with Bulgaria, Hungary, and Romania, 12-13, 37
 - Potsdam Proclamation of July 26, 1945, 20
 - Prisoners of war, agreement between Supreme Commander of Allied Powers, Japan, and the Soviet Union regarding repatriation of, 1946, 20, 552
 - Prisoners of war, Moscow Foreign Ministers' agreement of Apr. 23, 1947 regarding repatriation of, 20, 552
 - Quito Charter, 1948, 861, 1038
 - Refugees: Arrangements, 1926 and 1928; conventions, 1933 and 1938; and protocol, 1939, 547
 - Rio protocol between Ecuador and Peru, 1942, 860
 - Rio treaty. *See* Inter-American treaty of reciprocal assistance, *supra*.
 - Staff agreement between the United States and Venezuela, 1942, 1031
 - Taxation, double, conventions between the United States and Canada, 1942, 1944, and June 12, 1950, 587
 - Trade, reciprocal, agreements between the United States and: Colombia, 1935, 824-825, 940; Costa Rica, 1936, 842; Ecuador, 1938, 858-859, 863; Mexico, 1942, 939-944, 948-949, 954, 990, 1028-1029, 1043-1047; Peru, 1942, 989-990; Venezuela, 1939, 949*n*, 1028-1029, 1032, 1039, 1042-1049
 - Trade and payments agreement between the United Kingdom and Argentina, 1949, 708*n*

Treaties, etc.—Continued

- Treaty of Versailles, 1919, 475*n*
- United Nations Charter, 1945, 3, 5-6, 9, 14, 18-19, 29, 31-38, 44-46, 50, 64-69, 71, 86, 88, 101, 111-112, 114-116, 119*n*, 130-131, 140-141, 177, 182*n*, 186, 195, 212, 218, 222-224, 229, 231-233, 237, 257, 263, 267, 278, 280-281, 284, 288-290, 299-301, 304-307, 314, 316, 319-320, 322, 324-326, 327*n*, 328-329, 331-333, 336-339, 341-343, 345, 347-349, 353, 355, 357, 359, 361, 364-366, 368-369, 374, 376-378, 387, 389, 391*n*, 393-394, 406, 408-409, 415, 418, 420, 423-424, 427*n*, 428-429, 432-435, 441, 444-453, 455-456, 457*n*, 458, 460-462, 464-465, 467-469, 475, 484, 486, 491, 504, 507, 554-555, 558*n*, 559-563, 566-567, 569, 571, 925-927, 978
- Weather stations, Pacific Ocean, agreement between the United States and Canada, *June 22, 1950*, 588
- Wheat agreement, international, 1033
- Trieste, Free Territory of, 29*n*, 221
- Tripolitania, 21
- Tropical Oil Company, 803, 806, 825
- Trujillo Molina, Generalissimo Rafael L., 596, 643, 645-648, 649*n*, 656, 663-666, 668, 849, 899
- Truman, Harry S.:
 - Address to the U.N. General Assembly, *Oct. 24, 1950*, 158*n*
 - Argentina, U.S. relations with, 701-702, 707-708, 713, 730*n*, 735*n*
 - Brazil, U.S. relations with, 759, 763-765, 770-772, 774-777, 778*n*, 781
 - Canada, defense arrangements with, 584-585
 - Chile, U.S. relations with, 786, 787*n*, 788, 791, 793*n*
 - Chinese representation in organs of the United Nations, 251*n*, 256-257
 - Conversations with: Gonzalez Vidella, President of Chile, 713*n*; Trygve Lie, U.N. Secretary-General, 371-374, 379-384
 - Double taxation convention between the United States and Canada, 587
 - Economic mobilization program, 690*n*
 - Formosa, U.S. policy toward, 205, 246-247, 274
 - Guatemala, U.S. relations with, 865-866, 905, 912-914, 916, 918-920
 - Haiti, U.S. relations with, 933-934
 - Inaugural address, *Jan. 20, 1949*, 6, 30
 - Internal Security Act of 1950, 72*n*
 - Lie Twenty-Year Peace Plan, 371-373, 379-385, 387

Truman, Harry S.—Continued

- Mexico, U.S. relations with, 761, 770, 937, 939*n*, 940, 942, 946*n*, 950-954, 957, 959*n*
- Migratory Labor Commission, 966
- Organization of American States, ratification of Charter of, 640
- Organization of American States reception, *Oct. 12, 1950*, 590
- Panama, U.S. relations with, 971*n*
- People's Republic of China, non-recognition of, 241
- Petroleum import duties and taxes, 1046
- Puerto Rico, U.S. policy regarding 868
- Soviet Union, U.S. policy toward, 229
- Stalin, proposed meeting with, 373, 379-380, 383-384
- Technical assistance program, 376
- United Nations, reorganization of, Hoover suggestion on, 8-9
- U.N. headquarters agreement, 47*n*, 55
- U.N. Secretary-General, reappointment of, 89*n*, 158-160, 163, 174-175, 371*n*
- "Uniting for Peace" Resolution in U.N. General Assembly, 340*n*
- U.S. Mission to the United Nations, designation of, 2-3, 24*n*
- U.S. participation in the United Nations, reports to U.S. Congress on, 11, 14, 19
- Uruguay, U.S. relations with, 1009
- Truman, Mrs. Harry S., 704
- Tsiang, Tingfu F., 99-100, 120, 129-130, 142-146, 166, 187-189, 191-195, 203, 207, 212, 238-239, 241, 248-249, 267-268, 270-271, 274, 305
- Tufts, Robert R., 638
- Turkel, Harry R., 26, 987-992
- Turkey, 11, 110-111, 350, 359, 432, 519*n*, 522, 549, 577, 629, 953
- Ubico Castañeda, Gen. Jorge, 874, 883, 918
- Uganda, 444
- Ukrainian Soviet Socialist Republic, 106, 251, 253, 265
- Ulate Blanco, Otilio, 590, 842
- Ultramar, S.A., 694-695, 708, 711
- Union of South Africa (*see also* South African position *under* United Nations: General Assembly: Indians in the Union of South Africa, treatment of *and under* United Nations: Trusteeship and non-self-governing territories: South-West Africa question), 14, 479, 484, 488-489, 560-562, 566, 571, 573
- Union of Soviet Socialist Republics. *See* Soviet Union.
- United Airlines, 945
- United Fruit Company, 806, 831, 870, 873, 880-884, 887-899, 902, 911-912

United Kingdom (*see also British and United Kingdom subheadings under individual subjects*): British Commonwealth, relationship to, 629-630; territorial sea, extent of, 864; U.N. Economic and Social Council, member of, 11, 106-107; U.N. Security Council, permanent member of, 118; U.N. Trusteeship Council, member of, 119; U.S. policy toward, 599, 629

United Nations:

Administrative Committee on Coordination, 388-389

Armaments, conventional, regulation and reduction of (*see also under General Assembly, infra and Security Council, infra*), 375-376, 380, 392

Armed forces for the Security Council under *Article 43* of the Charter, 35-36, 45, 329, 333, 336, 342, 346, 353, 368-369, 376, 380-381, 392, 395

Atomic energy, international control of (*see also under General Assembly and Security Council, infra*), 375, 386, 392-393

Atomic Energy Commission, 2, 34, 375

Atomic weapons, proposed prohibition of (*see also under General Assembly, infra*), 380, 386, 388

Budget, U.S. share of, 42, 90-92, 103-104

Charter. *See under* Treaties, conventions, agreements, etc.

Commission on Conventional Armaments, 2, 35, 192, 194

Convention on Privileges and Immunities of the United Nations, 42, 51, 53, 81-85, 207

Economic and Social Council:

Chinese representation, 197, 226, 245-246, 267

Commissions and subcommissions, 282, 579

Economic development plans, 39

Freedom of information and the press, 60, 528, 532-537

Human rights questions, 509-512, 513*n*, 515, 517-518, 520-521, 522*n*

Nongovernmental organizations, representation of, 64-71, 77-78

Refugees and stateless persons, 540-545, 547, 549-550

Report, 575, 578

Representation, principles of, 285

Soviet boycott, 197-198, 226

United Nations Economic Commission for Latin America, 674, 684

United Nations International Children's Emergency Fund, 577

U.S. representative, 2

United Nations—Continued

General Assembly:

Agenda, 11, 14, 17, 19-21, 81, 125, 129, 134, 172, 182*n*, 270, 277, 280, 282, 286, 288-289, 296*n*, 297-298, 300-301, 318, 343, 350, 389, 391*n*, 392-393, 418-419, 502, 516, 518, 525, 531, 543-545, 552*n*, 557, 561, 571, 576

Aggression, proposals for prevention of, 17-18, 315-316, 318-323, 325-332, 334, 336-337, 340-341, 345, 347, 352, 358, 360, 362-366, 368, 393-395, 397*n*, 398, 401, 405, 410, 414, 417, 419-420, 423-424, 426, 430-433

Arab League participation, proposed, 21, 286

Armaments, conventional, regulation and reduction of, 18, 34-35, 45, 394-395, 398, 405, 407, 414-416, 420, 423-424

Atomic energy, international control of, 34-35, 375, 413-414, 420, 424

Soviet position, 35, 400

U.S. position, 44-45, 394, 403, 405, 407, 410, 415-416, 423

Atomic weapons, proposed prohibition of, 34-35, 398, 405, 407, 410, 412-416, 424

Budget allocations, 90-92

Chinese representation, question of, 188-189, 193, 195, 203-204, 206, 208, 210, 223, 257-260, 262, 268-269

Canadian resolution as amended by Australia, 301-302

Credentials Committee: Activities and hearings, 276-277, 279, 296-298; selection and appointment of, 264-266, 268, 275-277; U.S. position regarding, 264-266, 268

Indian resolution, 292-293, 295-297, 301, 302*n*

People's Republic of China delegation, possibility of arrival of and question regarding hearing of, 275-276, 279, 292-294, 300

People's Republic of China requests for recognition, 197, 267-268, 275, 289

Recognition of the representation of a member state, Cuban proposal on, 280-286, 288-289, 291-292, 294, 297, 300-301

Resolution concerning, *Sept. 19, 1950*, 301-302

Soviet position, 270, 275, 297, 302*n*

Soviet resolutions, 297, 302*n*

United Nations—Continued

General Assembly—Continued

Chinese representation, etc.—Con.

Special Committee on the representation of China, 301-302

U.S. position, 17, 38, 257-258, 269-301, 394, 850

Committee elections, 121-124

Committees:

Ad Hoc Committee on Refugees and Stateless Persons, 544*n*, 546

Ad Hoc Committee on Statelessness and related problems, 543-544

Ad Hoc Political Committee, 95, 122-123, 127, 182, 225, 285*n*, 452-453, 559, 563-564, 569-570, 573

Contributions Committee, 92, 179-180, 185*n*

Credentials Committee. *See under* Chinese representation, *supra*.

General, 121-124, 277, 281, 286, 290, 297-298

Interim Committee, 18, 21-22, 33, 195, 204, 208, 210, 282, 285, 312, 316-318, 323, 328-329, 332, 341-342, 349-350, 354, 380, 418, 421, 427, 430-431, 448

Special Committee on information transmitted under Article 73(e) of the Charter, 19, 97, 434-435, 441, 445-454, 456-459, 469-476

Special Committee on the representation of China, 301-302

Committee I (Political and Security), 122-124, 172, 268, 277, 281-282, 287, 292, 294, 297, 359-361, 364, 367, 400, 410*n*, 425, 427*n*, 429, 430*n*, 433

Committee II (Economic), 122

Committee III (Social, Cultural, and Humanitarian), 79-80, 122, 510, 517, 519-526, 528-530, 533-536, 541*n*, 548-549, 557-558, 564, 575-582

Committee IV (Trusteeship), 17, 64-65, 75, 122-123, 434-435, 437, 443-444, 450-452, 458, 467, 469-474, 476, 478, 485, 490-491, 492*n*, 495-496, 498-501, 503, 505*n*, 506, 508*n*, 559, 579-580

Committee V (Administrative and Budgetary), 41, 83, 86, 124, 184, 578

Committee VI (Legal), 124, 277, 281-282, 297, 581-582

"Condemnation of Propaganda Against Peace" Resolution, Nov. 17, 1950, 425

United Nations—Continued

General Assembly—Continued

Contributions scale, 179-181, 184-185

Country positions:

Afghanistan, 522

American Republics (Latin American countries, Latin American bloc), 11-12, 19, 44, 55, 87, 93-95, 97, 105, 107-108, 111, 117, 122-124, 127, 148, 150-151, 158-160, 177, 241, 283, 286, 318, 351, 399, 430, 527, 534, 536, 576-577, 580-581, 598-599, 627, 629-630, 636, 640

Arab League, 21, 98, 108-109, 116, 118, 128, 286

Arab states, 44, 107, 111, 116-117, 164-165, 286, 344, 534, 536, 558

Argentina, 492, 500, 502

Asian states, 399

Australia, 13, 19, 117, 122, 301, 302*n*, 412-413, 419, 424, 430, 502, 513*n*, 522*n*, 550, 557, 576, 580-581

Belgium, 265, 403, 542, 544, 546, 549-551

Benelux countries, 327, 356, 544, 580

Bolivia, 425, 570

Brazil, 11, 87, 96, 98, 108, 117-118, 127*n*, 160, 183*n*, 213, 265, 452, 507, 519*n*, 522, 570-571, 577, 764-765, 770

British Commonwealth, 96-98, 106, 109, 117, 122, 149, 155, 356, 412, 435, 496, 530, 559, 561, 564, 580-581

Burma, 262, 496, 502, 570

Canada, 96, 122, 183*n*, 293, 301-302, 331, 344, 359, 403, 411-415, 419, 424, 429, 492, 500, 502, 522*n*, 542, 544, 546, 549-550, 576, 580-581

Chile, 122, 360, 363-364, 425, 534-536

China, 99, 113, 120, 370

Colombia, 111, 828

Costa Rica, 111, 402

Cuba, 17, 108, 111, 265, 270, 280-286, 288-289, 291-292, 294, 297, 300-301, 403, 430, 529, 536, 850-851

Czechoslovakia, 79

Denmark, 96-98, 105, 108, 402, 492, 500, 502-503, 507-508, 521, 570

Dominican Republic, 20, 97-98, 109, 119, 182*n*, 402, 492, 500, 570

Eastern Europe. *See* Soviet bloc, *infra*.

United Nations—Continued

General Assembly—Continued

Country positions—Continued

- Ecuador, 111, 283, 302*n*, 403, 570
 Egypt, 21, 98, 106, 108–109, 119, 318, 362–363, 425, 452, 500, 536, 550
 El Salvador, 111, 183*n*, 503
 Far Eastern countries, 122–123, 579
 France, 9–10, 39, 43, 77, 89–90, 93, 123, 291–292, 319–320, 322, 327*n*, 330, 337–338, 340, 346, 351, 354, 359, 370, 399, 402–403, 413, 420, 424–425, 429, 432, 513, 521, 524*n*, 526*n*, 527–529, 536, 542, 545, 549–551, 558, 577, 580
 Greece, 177, 362, 425
 Guatemala, 111, 907
 Haiti, 111, 403
 Honduras, 177, 402
 India, 64, 117, 262, 266, 286, 292–293, 295–297, 301, 302*n*, 334–335, 344–345, 356–357, 399, 402–403, 413, 419–420, 424–425, 452, 492, 494, 496, 500, 527–528, 534, 550, 558–565, 568, 570–572, 581
 Indonesia, 570
 Iran, 95, 265
 Iraq, 302*n*, 359–361, 369–370, 500, 502–503, 550, 558, 570, 581
 Israel, 14–15, 365–366, 549–550
 Jordan, 14–15
 Lebanon, 108, 110–112, 116, 127, 128*n*, 165, 361–362, 413–414, 418, 420, 422, 424–425, 433*n*, 528–530, 535–537, 550, 558
 Liberia, 403
 Luxembourg, 403, 551
 Mexico, 77, 122–123, 153–154, 302*n*, 370, 413, 420, 424–425, 452, 528–529, 558, 563, 570, 581
 Near and Middle East countries, 89, 93–95, 106–107, 111, 118, 120, 122, 527, 576–577, 579, 581
 Netherlands, 105, 108, 117–118, 127*n*, 403, 413–414, 420, 425–426, 480, 536, 551
 New Zealand, 492, 500
 Nicaragua, 111, 283
 Norway, 266, 402, 502–503, 551, 570
 Pakistan, 93, 97–98, 178*n*, 220, 529, 550, 559–563, 571, 581
 Panama, 402
 Paraguay, 111, 403
 Peru, 111, 182*n*, 362, 403, 502–503, 507

United Nations—Continued

General Assembly—Continued

Country positions—Continued

- Philippines, 97–98, 106, 108–109, 117, 119, 126*n*, 183*n*, 302*n*, 359, 452, 492, 494, 500, 502, 513, 521, 570
 Poland, 77, 126*n*, 302*n*, 558*n*
 Saudi Arabia, 522, 535
 Scandinavian countries, 530, 576
 Soviet bloc, 15, 98, 105–108, 122, 124, 126, 179, 266, 289, 425, 454, 459, 470, 513, 524, 550, 558, 579
 Soviet Union (*see also* Soviet Peace Propaganda Plan *under* General Assembly, *infra*), 14–15, 18, 44, 78, 97, 100, 108, 119–120, 126*n*, 179, 183–185, 265, 270, 275, 297, 302*n*, 312, 359–361, 368–369, 380–381, 384, 396, 429–432, 452, 508*n*, 513, 534, 579
 Sweden, 98, 106–108, 119, 126, 183*n*, 403, 432, 452, 570
 Syria, 21, 183*n*, 359–361, 369–370, 403, 507–508, 521, 558
 Thailand, 97–98, 109, 119, 262, 492, 496, 500, 502–503, 507–508
 Turkey, 89, 96, 98, 108, 110–111, 116–118, 124, 127–128, 359, 519*n*, 522, 549, 577
 Union of South Africa (*see also* South West Africa question *under* General Assembly, *infra*), 64, 265, 356, 420, 550, 559–564, 568, 571–572
 United Kingdom, 19, 39, 43–44, 86, 89, 92–93, 96–98, 106–109, 117, 119, 123, 126, 291–292, 320–327, 330–331, 338–340, 343–344, 351, 354–356, 358–359, 370, 390, 406, 411–414, 416, 419–420, 424–429, 432, 476, 480–481, 483, 494, 496–497, 499–502, 513, 517, 524, 529, 542, 544, 546, 549–550, 555–557, 561, 576, 580–581
 United States (*see also* *under* Chinese representation, Human Rights covenant, and “Uniting for Peace” Resolution *under* General Assembly, *infra*), 11–17, 19–20, 34–35, 39, 44–45, 81–90, 94–98, 112–119, 121–124, 127–128, 177–181, 182*n*, 184–185, 264–266, 268, 286, 371, 384–386, 389–405, 407–411, 413–416, 419–420, 423, 425, 429, 431–432, 519–580, 582

United Nations—Continued

General Assembly—Continued

Country positions—Continued

Uruguay, 98, 106, 108, 111, 119, 126*n*, 265, 359, 508, 570

Venezuela, 111, 122, 362, 452, 503, 549-550

Western Europe, 12, 97, 105-107, 122-123, 496, 530, 545, 558*n*, 580-581

Yugoslavia, 44, 225, 266, 334, 361, 410-412, 416-419, 421-423, 426-433, 522*n*, 550

Economic and Social Council, elections to the: Area or regional representation, 107-108, 126; candidates, 98, 106-109, 119, 126; elections, 11, 97-98, 119, 126

Economic development, 39

Eritrea, disposition of former Italian colony of, 21-22

Essentials of Peace Resolution, *Dec. 1, 1949*, 34, 44, 328, 331, 340, 361, 397-398, 400-401, 403, 405, 407-409, 414, 416, 423

Formosa question, 292

Freedom of Information Convention, 17, 523-537, 575, 577, 580

Greek question, 15-16, 286, 293, 326, 372, 381

Human rights, 392-393, 395, 398, 410, 509*n*, 510-511, 513*n*, 515-516, 518-523, 559, 562, 569

Human Rights Commission, 509*n*, 510-517, 519-521, 525-526, 528, 531, 567-568

Human Rights covenant (draft), 16-17, 40, 509*n*, 511-513, 519-520, 523, 525-526, 529; U.S. position regarding, 509-518, 521-522, 527-528, 530-532, 537, 546, 565-567, 575-580

Human Rights Declaration, 1948, 14, 40, 377, 405, 407, 513*n*, 516, 518, 520, 548, 559-563, 571

Human rights in Bulgaria, Hungary, and Romania, observance of, 12, 37, 565

Indians in the Union of South Africa, treatment of, 13-14, 286, 476, 484, 494, 501, 559-575

Indian position, 559-565, 568, 570-572

Resolutions concerning, 560, 562-563, 570, 575*n*

South African position, 559-564, 568, 571-572

U.S. position, 559-575

Indonesian question, 372

International peace and security, maintenance of, 32-33, 45, 315-316, 322, 328, 331-333, 336-341, 343, 346-349, 357, 360-361, 368, 412, 428

United Nations—Continued

General Assembly—Continued

Italian colonies, disposition of former, 33, 293, 436

Jerusalem, Statute for, 14-15, 44, 217, 280, 828

Korea. *See* North Korean aggression against Republic of Korea, *infra*.

Libyan-Egyptian frontier, adjustment of, 21, 286

Lie Twenty-Year Peace Plan, 19, 170, 371-396

Membership question, 37, 100-101, 179, 181-183, 215-217, 225

Newsgathering convention, development of, 524, 526-527, 529

North Korean aggression against Republic of Korea, 11, 16-17, 23, 33, 45, 113, 130, 139-140, 145-146, 149-151, 159-160, 268-269, 274, 281, 286, 288, 290, 292-293, 300, 304, 315, 321-322, 327, 334-337, 351-353, 355-356, 365, 372, 392, 394, 397, 400, 405-410, 412, 431, 476*n*, 479, 483-484, 488-489, 640, 850, 907-909, 920; Resolution concerning, 426

Organization of American States, observer from, 21

Palestine question, 33, 579

"Peace Through Deeds" Resolution, *Nov. 17, 1950*, 425

Permanent Commission of Good Offices, Resolution concerning establishment of, 433

President:

Activities and role of, 134, 138, 150, 168, 170, 200, 277, 279, 298

Candidates: Entezam (Iran), 12, 90, 93-96, 109-110, 117, 122, 124-125; Padillo Nerva (Mexico), 93-94; Santa Cruz (Chile), 94; Zafrullah Khan (Pakistan), 12, 92-96, 109, 117, 122, 124-125

Election of, 125*n*, 277

Prisoners of war, failure of the Soviet Union to repatriate: *Ad Hoc* Commission, 557-558; Resolution, 558*n*; U.S. position, 19-20, 550-558, 575-576, 578-580

Refugee questions:

Advisory Committee on Refugees, 540, 542, 544

Convention on refugees, 287, 510, 542, 550*n*; U.S. position, 543-550, 576

Definition of refugee, 546-550

High Commission for Refugees, 537*n*, 538, 540-543, 545, 548-550

Resolutions, 539-541, 550*n*

United Nations—Continued

General Assembly—Continued

Refugee questions—Continued

U.S. position, 537-543, 575-576, 580

Rights and duties of states, draft declaration on the, 16

Secretary-General: Reappointment of, 87-89, 98-102, 112-116, 119-120, 125-126, 128-137, 140-141, 147, 150, 154, 166-168, 170-171, 176-177; Resolution, 177-178

Security Council elections, 11, 87, 127-128

Area representation: Arab League, 108, 116, 118, 128; Latin America, 87, 107-108; Near and Middle East, 89, 107, 111, 118, 128; Soviet bloc, 107

Candidates: Brazil 11, 87, 96, 98, 108, 117-118, 127*n*; Denmark, 96-98, 105, 108; Lebanon, 108, 110-112, 116, 127, 128*n*; Netherlands, 105, 108, 117-118, 127*n*; Turkey, 89, 96, 98, 108, 110-111, 116-118, 124, 127-128

Security Council voting procedures, 187

Somaliland, draft trusteeship agreement for former Italian, 15

South-West Africa question, 64, 475-477, 479-482, 484-491, 493-498, 500, 502-503, 506-508; Resolution concerning, 507-508

Soviet Peace Propaganda Plan, 371, 391*n*, 392-393, 396-398, 402-403, 421, 425-426; U.S. counter-proposals, 396-405, 407-411, 413-416, 419-420, 423, 425

Spanish question, 20-21, 182, 217, 227, 286, 850

Stateless persons, draft protocol relating to, 543-545, 547-549, 550*n*

Statelessness, draft resolution concerning the elimination of, 543-545, 547, 550*n*

Taxation, double, of U.N. staff members, resolution concerning, 81-86

Trusteeship Council elections, 12, 19, 97-98, 109, 119

United Nations International Children's Emergency Fund, U.S. support for, 39, 575-577, 579-580, 582

U.S. consultations with other members, 6-8, 9-10

U.S. Delegation: Appointment of, 22, 24-28; briefing sessions, 516-518; decisions of, 408,

United Nations—Continued

General Assembly—Continued

U.S. Delegation—Continued

410-411, 502-503, 573-574; meetings of, 72-74, 77-78, 84-86, 125-126, 129-136, 172-175, 269-274, 291-295, 343-344, 350-356, 416-419, 498-501, 531-533, 564-569

U.S. policy regarding, 6-8, 10-24
"Uniting for Peace" Resolution, development of and negotiations concerning, 172, 176, 303-370

Amendments, proposed, 361-364

British position, 320-327, 330-331, 338-340, 343-344, 351, 354-356, 358-359, 370

Canadian position, 331, 344, 359

Chilean proposal, 360

Collective measures committee, proposed, 329-330, 333, 336, 342-343, 360, 362-363, 367*n*, 368

Cosponsors of U.S. resolution, 359-360, 364, 367-368

French position, 319-320, 322, 327*n*, 330, 337-338, 340, 346, 351, 354, 359, 370, 399

Indian position, 334-335, 344-345, 356-357, 399, 402

Iraq-Syrian draft resolution, 359-361, 369-370

Peace Observation Commission, 316-318, 321, 323, 329-330, 332, 334-337, 341-342, 349-350, 360, 362-363, 367, 418-419, 421, 430, 433

Resolution adopted, 360-361, 367, 416, 418, 421-422, 426-427, 430

Seven-Power resolution, 359-361, 369

Soviet draft resolutions, 359-361, 368-369

U.N. military adviser, 329-330, 333-334, 336, 338, 342-344

U.N. military experts panel, 359

U.N. unit in armed forces of member states, 321, 323, 325, 329-330, 333, 335-338, 342, 344, 346-348, 350-354, 356, 358, 362

U.S. proposals, drafts, and negotiations concerning, 303*n*, 315-318, 320-337, 339-359, 361-370, 393, 397*n*, 399-403, 404*n*, 405, 407-410, 416, 418, 421, 628, 635

Vice presidents, 122-123, 277

Warmongering resolution, 397

Yugoslav peace proposals, 410, 416-419, 421-423, 426-433

Genocide convention, questions regarding ratification of, 378, 518, 519*n*, 565, 574

United Nations—Continued

Headquarters agreement between the United States and the United Nations, problems arising under the, 42, 46-86

Internal Security Act of 1950, effect of the, 75-79

Kyriazidis case, 55-63

Laissez-passer, use by U.N. officials who are American citizens, 51-54, 81

Restrictions on travel of Soviet bloc representatives, 54-55

Visas, problems concerning issuance of, 46-51, 53-54

Visas for representatives of non-governmental organizations to attend meetings of the General Assembly, 63-75, 77-90

International law, development, and codification of, 378, 392-393, 395

International Law Commission, 16, 43, 432, 433*n*

League of Nations, assumption of political functions or powers of, 497*n*

Membership questions (*see also under* General Assembly, *supra* and *under* Security Council, *infra*), 37-38, 376, 389, 392-393, 395

Military Staff Committee, 2-3, 36, 325, 354, 368

People's Republic of China representatives: Restrictions on travel, proposed, 55; visas, question regarding issuance of, 46-49

Reorganization, proposals for, 3-6, 8-9, 104

Secretary-General (*see also* Lie, Trygve), 11, 14, 16, 19, 41, 52, 55, 57-60, 62, 70-71, 73, 77*n*, 79-80, 83-85, 87-89, 98-102, 112-116, 119-121, 125-126, 128-138, 141-177, 185*n*, 200, 226, 267, 275, 279, 306, 308, 313, 316-318, 321, 328-330, 332-333, 341-343, 353, 362, 371*n*, 375, 380, 387, 422, 428, 430, 433, 435*n*, 446, 537*n*, 541, 543, 548, 550*n*, 557-558, 570-571, 577

Security Council:

Aggression, proposals for prevention of, 18, 45, 303-370, 376, 433

Armaments, conventional, regulation and reduction of, 192, 194-195, 229

Armed forces for the Security Council under *Article 43* of the Charter, 35-36

Atomic energy, international control of, 229, 232, 235-236, 242, 375

Bacteriological weapons, proposed international control of, 229

Berlin question, 828

United Nations—Continued

Security Council—Continued

British position (*see also under*

Chinese representation, *infra*), 136, 143, 148, 152-153, 155-156, 167, 170, 179*n*, 187*n*, 255, 305, 307*n*, 308-309, 312-315, 317, 382

Chinese (Nationalist) position, 138, 145-147, 156-157, 166, 170, 178*n*, 187-190, 194-195, 245, 270, 293-294, 305, 312

Chinese representation:

British position, 188-189, 192-196, 203-204, 208-209, 212, 214-215, 219-220, 226, 242, 245-246, 248-249, 254-256, 259-264, 273

Chinese (Nationalist) position, 187-189, 194-195, 245, 270, 293-294

Cuban position, 192, 212, 234, 240

Ecuadoran position, 192, 212, 228, 234, 238-241

Egyptian position, 204, 238, 240-241

French position 188, 212-214, 219, 221, 226-227, 234, 240, 248-249, 250*n*, 252*n*

Indian position, 192-195, 204, 208-210, 212, 217, 220, 247-248, 255, 259-260, 262, 264, 273

Norwegian position, 212-213, 248-249, 253

People's Republic of China position, 189-190, 197, 200-201, 212, 226, 267, 294-295

Soviet position, 192, 194-195, 211-212, 230, 248-249, 251-252, 254, 257, 382

Soviet resolution, 190-192, 194-195, 238-239, 253

Soviet walk-out and boycott, 190*n*, 195*n*, 197-199, 201-202, 205-206, 208, 210-212, 216-228, 231*n*, 233-234, 242, 244, 269, 306*n*, 322, 327, 371*n*, 372, 382-384, 394; return to Security Council, 248, 251*n*, 254-255, 306, 309, 311, 314, 357

U.S. policy and position, 186-187, 191-195, 202-210, 218-219, 223-224, 228, 230, 233-235, 237-253, 256-257, 262-263, 269-271, 289-290, 294, 384

Yugoslav position, 137-138, 196-197, 199, 211, 225-226

Commission of investigation and observation, proposed, 303-315, 317

Committee of Experts, 203, 207-210, 216

United Nations—Continued

Security Council—Continued

Cuban position, 138, 142-143, 147*n*,
150-152, 154-156, 160, 166,
173-174, 187*n*, 192, 212, 234,
240, 312, 851

Ecuadoran position, 138, 142-144,
146, 147*n*, 150, 152, 156, 160,
162, 167, 173-174, 187*n*, 192,
212, 228, 234, 238-241, 312

Egyptian position, 138, 144, 146,
152, 170, 173, 178*n*, 187*n*, 204,
238, 240-241, 246, 306, 309,
312

French position (*see also under*
Chinese representation, *supra*),
137-138, 142, 145, 148, 152,
155-158, 160-161, 166, 168-
169, 173-175, 187*n*, 305, 307*n*,
308-309, 311-313, 317, 382

Hydrogen bomb, 229

Indian position (*see also under*
Chinese representation, *supra*),
137-138, 142-156, 169-170,
178*n*, 187*n*, 246, 305-306, 308-
310, 312-313, 317, 354

Indonesian question, 31, 45

International peace and security,
maintenance of, 304-308, 316,
325-326, 328, 331-332, 336,
338-343, 346-349, 354, 357,
359, 361, 366, 368-369, 412-
413, 418, 428, 555

Iranian question, 31, 45

Kashmir dispute, 31, 220, 224

Korean question, 33, 38, 144, 146,
163-164, 167-169, 171-173,
178*n*, 245-247, 250-253, 255-
256, 258-259, 263, 270, 303*n*,
305, 309, 311, 313, 322, 354

Lie Twenty-Year Peace Plan, 389

Membership questions, 37-38, 43,
100-101, 178-179, 181, 182*n*,
183, 201, 215-216, 219-220,
224

Countries admitted, 37, 49*n*, 181,
201-202, 216, 218, 226

Countries applying but not ad-
mitted, 37, 101, 104-105,
178, 183*n*, 202

U.S. policy regarding, 178-179,
181, 201-202, 215-216, 219,
224

Norwegian position, 136, 138, 144-
146, 152, 155-156, 187*n*, 212-
213, 248-249, 253, 307*n*, 308-
310, 312-313, 317

Organization of American States,
actions of, 643

Palestine question, 31, 45, 144,
146, 828

Secretary-General, reappointment
of, 87-89, 100, 112-114, 116,
120, 129-177, 178*n*

South-West Africa question, 484

United Nations—Continued

Security Council—Continued

Soviet position (*see also under*
Chinese representation, *supra*),
36, 136-145, 147-152, 154,
156, 159, 163-170, 176, 178*n*,
187*n*, 272, 311-312, 315, 323,
365, 381, 384

Special meeting of the Security
Council with Foreign Ministers
as representatives, Lie proposal
for, 229-233, 235-237, 374-
375, 381-382, 384, 392, 394

Trusteeship for strategic areas, 462,
465

U.S. policy toward, 31-32

U.S. position (*see also under* Chinese
representation *and* Member-
ship questions, *supra*), 136-
139, 146-152, 155-156, 158-
165, 168-175, 178-179, 187*n*,
231-233, 235-237, 253, 384, 394

Veto question, 3, 32-33, 38, 43, 45,
88, 112, 120, 130, 132, 137, 142,
157-161, 163-164, 167-175,
186-188, 191, 194-195, 206,
211, 216, 222, 224, 235, 239,
242, 246-247, 252-253, 256,
258, 270, 272, 278, 290, 307,
309-310, 312, 316-317, 319-
320, 322-323, 324*n*, 325-326,
328, 335-336, 341, 348-349,
354-355, 357-358, 368, 375,
380, 394

Vetoes, 18, 32, 37-38, 105, 154, 159,
170, 173, 201, 226, 326

Voting procedure, 309, 314*n*

Yugoslav delegation, seating of,
188, 196-197, 206, 211, 357

Yugoslav position, 137-138, 152,
156, 167, 187*n*, 188, 190,
196-197, 199, 211, 225-226,
306, 309, 312

Self-defense under *Article 51*, inherent
right of individual or collective,
37, 337, 345, 348, 374

Soviet policy toward, 9, 32, 43-44,
104, 113, 206, 210-211, 221-222,
448

Soviet withdrawal from, possibility of,
206, 210-211, 217-218, 220, 222,
224, 227-228, 234, 289, 345,
356-357, 365

Specialized agencies, 38-39, 42-43,
46, 66, 73, 90-92, 103-104, 377,
381, 383, 388-389, 395, 406, 409,
443, 451, 513*n*, 520, 577, 636

Tax equalization proposals, 81-86

Technical assistance, 39, 376-377,
392, 395, 680

Trusteeship agreements, 461-462,
464-465, 488, 495, 504, 506

Trusteeship and non-self-governing
territories, matters concerning,
434-508

United Nations—Continued

Trusteeship, etc.—Continued

Administering states, 434-436, 442, 446-452, 457-471, 473*n*, 478-479, 484, 491, 521, 579

Australian position, 452-453, 456

Australian trust territories (Nauru, New Guinea), 446*n*, 452

Belgian trust territories (Ruanda-Urundi), 446*n*, 452

British trust territories (British Cameroons, Tanganyika, and British Togoland), 442, 452, 461

Danish position, 446*n*, 452-453, 456

Egyptian position, 454, 459

French trust territories (Cameroons, French Togoland), 446*n*, 452

Indian position, 454

Netherlands position, 446*n*, 452-453, 456

New Zealand position, 453, 456

New Zealand trust territories (Nauru, Western Samoa), 446*n*, 452

Non-administering states (elected), 435, 446-447, 449-452, 454-455, 464-471, 478, 484, 513

Non-self-governing territories, 40-41, 448-453, 455-460, 468-479, 512, 522*n*, 579

Political information in non-self-governing territories, submission of reports on, 452-460, 468

South-West Africa question (*see also under* General Assembly, *supra*):

International Court of Justice Advisory Opinion, 474-490, 492*n*, 493-504, 506-508

Reporting requirements, 475-479, 481-495, 498-500, 504-508

South African position, 435, 475, 477, 479-480, 487-492, 495-497, 499, 559

U.S. position, 475-479, 481-487, 489-490, 492-496, 498-508

Soviet position, 452-454, 459, 470

Trust territories, 448, 450, 461-465, 467, 501, 512, 522*n*

U.S. trust territory (Trust Territory of the Pacific Islands), 446*n*, 452, 463

Washington conversations (United States separately with United Kingdom, France, and Belgium), *July 5-7, 11-13, 17-18, 1950*, 434-474

Belgian position, 434-436, 438-442, 444, 447-450, 452, 455-458, 460-462, 464, 466-467, 469, 472-473

United Nations—Continued

Trusteeship, etc.—Continued

Washington conversations—Con.

British position, 434-439, 441-

444, 447-448, 450, 452, 455-458, 460-462, 464, 466-470, 473-474

French position, 434-439, 442,

444, 447-448, 450, 452-453, 455-458, 460-462, 464, 466-469, 472-474

U.S. position, 434-437, 439-473

Trusteeship Council:

Functions of, 447, 461-468

Jerusalem question, 14-15, 463

Meetings, 437, 444, 463-464, 470-471, 473-474, 579

People's Republic of China request for representation, 267

Representation, principles of, 285
Somaliland, draft trusteeship agreement for former Italian, 15

South West Africa question, 475-476, 478-479, 484-485, 487-488

Soviet walk-out, 226

Trust territories, flying of U.N. flag over, 464

U.S. policy toward, 196-198, 213

U.S. representative, 2

Visiting missions, 463

U.S. Mission: Consultations with other delegations, 7; designation of, 1-3

U.S. policy toward the, 4-6, 8, 29-46, 218

United Nations Commission for India and Pakistan, 828

United Nations Commission on Eritrea, 21, 484

United Nations Commission on Korea, 303, 305, 308, 336

United Nations Conference on Freedom of Information, *Mar. 23-Apr. 21, 1948*, 524

United Nations Conference on International Organization, San Francisco, *Apr. 25-June 26, 1945*, 211*n*, 441-442, 445, 452, 455, 468, 488, 491, 569*n*

United Nations Conference on Trade and Employment, Habana, *Nov. 1947-Mar. 1948*, 381*n*

United Nations Correspondents Association, 58, 60, 78

United Nations Economic Commission for Asia and the Far East (ECAFE), 283, 674, 683

United Nations Economic Commission for Europe (ECE), 674, 683

United Nations Economic Commission for Latin America (ECLA), 673-675, 682-686

United Nations Educational, Scientific and Cultural Organization (UNESCO), 90-91, 381, 388, 527-528

- United Nations International Children's Emergency Fund. *See under* United Nations: General Assembly.
- United Nations Liaison Committee of the U.S. Department of State, 96-98, 264*n*
- United Nations Participation Act of 1945, 1-2
- United Nations Relief and Rehabilitation Administration (UNRRA), 539
- United Nations Relief and Works Agency for Palestinian Refugees (UNPRA), 39-40
- United Nations Relief for Palestinian Refugees, 39
- United Nations Special Commission on the Balkans (UNSCOB), 15-16
- United Nations Sub-Commission on Freedom of Information and of the Press, 60
- United States Employment Service, 955-956
- United States Federal Maritime Board, 796-797, 1022-1024
- United States Maritime Commission, 787*n*, 788, 811
- United States Steel Company, 762*n*, 1031
- Universal Postal Union, 38, 103, 388
- Urdaneta Arbelaez, Roberto, 122
- Urriolagoitia, Mamerto, 754*n*, 755
- Uruguay (*see also under* United Nations: General Assembly: Country positions): Argentina, relations with, 596-597, 1013-1014, 1016-1017; Brazil, relations with, 1017; Communist activities, 1010-1012, 1017, 1021; Export-Import Bank loan, 1015; general agreement on tariffs and trade, attitude toward, 1016; International Bank for Reconstruction and Development loan, 1015; Paraguay, relations with, 1017; Peruvian attitude toward, 997; political situation, 592, 1014; Soviet Union, relations with, 1017; treaty of friendship, commerce, and economic development with the United States, 1949, 595, 611, 677, 702, 814, 1013, 1016, 1018; United Kingdom, relations with, 1017; United Nation Economic Commission for Latin America, policy toward, 682, 685; U.S. Air Force Mission, agreement concerning establishment of, 1951, 1013*n*; U.S. political and economic relations with, 626, 1008-1018; Venezuela, relations with, 1037
- Valverte, Roberto, 993
- Van Bootzelaer, Baron C. W., 105
- Vandenberg, Arthur H., 730*n*, 836
- Vandenberg, Gen. Hoyt S., 1009*n*, 1041
- Vandenberg Resolution. *See under* Congress, U.S.
- Van Laethem, Gabriel, 472*n*
- Van Zeeland, Paul, 438-439
- Vargas, Getúlio Dornelles, 713-714, 759-760, 769, 770*n*
- Vaughan, Maj. Gen. Harry H., 928
- Venezuela (*see also under* United Nations: General Assembly: Country positions): Agreement with the United States respecting a U.S. Naval Mission, Aug. 23, 1950, 671
- Arms purchases, 597, 1036-1037, 1040-1041
- Belgium, arms purchases from, 1037
- Brazil, relations with, 1038
- Chile, relations with, 1037
- Civil air transport agreement with the United States, 1948, nonratification of, 1033
- Colombia, relations with, 826-827, 1038
- Communist activities, 1021, 1029-1030, 1037-1040
- Cuba, relations with, 849-850, 1037
- Czechoslovakia, arms purchases from, 1037
- Dominican Republic, relations with, 1037
- Economic agreement of Bogotá, policy toward, 677-678
- Ecuador, relations with, 1038
- Export-Import Bank loan, 1021*n*, 1034
- General agreement on tariffs and trade, policy toward, 1032
- Gran Colombiana Merchant Marine, 826, 859, 1020, 1024*n*, 1032, 1038
- Gran Colombiana relationship, 826-827, 861, 1038
- Guatemala, relations with, 1037
- Haiti, relations with, 934, 1038
- Inter-American Treaty of Reciprocal Assistance, ratification of, 1036
- Iron Mines Company, 1031
- Iron ore reserves, development of, 1031, 1044
- Lend-lease settlement, negotiations concerning, 1036
- Mexico, relations with, 1037
- Netherlands West Indies, policy toward, 1038
- Oil, Venezuelan, negotiations concerning U.S. customs duties on, 942-943, 948, 1028-1029, 1032, 1039-1049
- Orinoco Mining Company, 1031
- Panama, relations with, 978
- Petroleum industry, development of, 938, 951-952, 1025-1029, 1044-1045
- Political situation, 591-592, 1029-1030, 1034-1035
- Shipping problems, 1019-1020, 1022-1024, 1032, 1039

Venezuela—Continued

- Soviet Union, relations with, 1038
- Trade, reciprocal, agreement with the United States, negotiations concerning, 949*n*, 1028-1029, 1032, 1039, 1042-1049
- United Kingdom, relations with, 1027-1028, 1037-1038
- U.N. General Assembly Special Committee on Information, 19
- U.S. Army, Air Force, and Naval Missions, 1036-1037, 1040
- U.S. military assistance, 1036-1037, 1040-1041
- U.S. political and economic relations with, 626, 1019-1049
- U.S. technical assistance, 1033-1034
- Uruguay, relations with, 1037
- Venezuela Navigation Company, competition of, 1019-1020, 1024*n*, 1032
- Vergara, Roberto, 799
- Vial, Carlos, 784-785, 787
- Viau, Alfred, 656
- Vidal, Jorge, 791*n*
- Vietnam, 234
- Vietnam Democratic Government, 213-214, 221
- Villa Gomez, 746, 747*n*
- Villard, Henry S., 26, 337
- Viteri-Lafronte, Homero, 240-241
- Voice of America, 532-534, 575-576
- Vyshinski, Andrei Yanuarievich, 123, 125, 129-130, 140, 148, 196, 206-207, 266, 290, 296-297, 379, 382, 387, 398, 400, 402-403
- Wainhouse, David W., 26, 124-125, 253
- Walker, Michael, 117
- Walker, William W., 1009*n*, 1010
- Walstrom, Joe D., 695, 740, 743
- Wan Waithayakon, Prince, 74-75, 122-124, 497, 502
- Wang Chia-hsiang, 383
- War, possibility of, 206, 211, 213, 221-222, 273, 308, 310, 349, 352-353, 361, 373, 400, 419, 599-600, 604, 609, 622, 727, 1030-1031
- Warren, Fletcher, 734, 739, 742, 754*n*, 1012
- Warren, George L., 541*n*, 549
- Watts, Phil, 637
- Waynick, Capus M., 681
- Webb, Maurice, 709
- Webb, James E.: American Republics, U.S. policy toward, 625, 672, 690*n*; Argentina, U.S. relations with, 704-705, 716-717; Brazil, U.S. relations with, 758*n*, 763, 765, 771; Chile, U.S. relations with, 788; Chinese representation in organs of the United Nations, 205, 207, 259, 285-287, 301; Colombia, U.S. relations with, 830-831; Guatemala, U.S. relations with, 897, 903, 908, 912-914, 919*n*; Mexico, U.S.

Webb, James E.—Continued

- relations with, 940, 946*n*, 950, 951*n*, 953, 957-960, 963-968; Peru, U.S. relations with, 993-994; Soviet peace propaganda plan, 396-398, 403-404; U.N. General Assembly, matters concerning, 89, 94-95, 111, 123-124, 127-128; U.N. membership, 181; U.N. Secretary-General, reappointment of, 125; U.N. trusteeship and non-self-governing territories, matters concerning, 473*n*; U.S. Mission to the United Nations, designation of, 1-2; "Uniting for Peace" Resolution, 335, 348-350, 356-359; Venezuela, U.S. relations with, 1021
- Wellons, Alfred E., 26
- Wells, Henry B., 104
- Wells, Milton K., 866-867, 870-877, 884*n*, 887-891, 901, 903, 905-908, 910-912, 920-925, 927*n*, 931
- Western Airlines, 945
- Western Hemisphere, 168, 171-172
- Western Samoa, 446*n*
- Wheaton, H.C., 1010
- White, Ivan B., 681, 691-692, 709-711, 715, 735, 738*n*, 747, 749, 762*n*, 775-776, 778, 832, 846*n*, 961-963
- White, Lincoln, 877-878, 971
- Whiteman, Marjorie, 26, 926*n*
- Wiesman, Bernard, 973*n*
- Wigny, Pierre, 438
- Wilcox, Francis O., 26
- Wiley, Alexander, 885, 901
- Wilgress, L. Dana, 130
- Williams, Chester, 28
- Williams, William L. S., 334
- Willis, George H., 718
- Willoughby, Woodbury, 1046
- Wilson, Simon N., 96-97
- Wilson, Woodrow, 487, 606, 614
- Wilson Company, 693, 743
- Winfree, Robert M., 105, 472*n*
- Winslow, Richard S., 28, 253
- Woodward, Ellen S., 681
- World Committee of Defenders of Peace, 396
- World Federation of Trade Unions, 65, 77, 865-866
- World Health Organization, 90-91, 381, 388, 693
- World Peace Congress, 396*n*
- Wrong, Hume, 583
- Ydigoras Fuentes, Gen. Miguel, 873, 922*n*
- Yemen, 37
- Yingling, Raymund T., 48*n*, 49-51
- Younger, Kenneth G., 343-344, 356, 369, 411-412, 420
- Yugoslavia (*see also* under United Nations: General Assembly: Country positions and Yugoslav sub-

- Yugoslavia—Continued
headings under United Nations:
 Security Council):
- Aggression against, possibility of, 303-304, 309-310, 324, 426, 427*n*
 - Greece, relations with, 272
 - Soviet bloc, relations with, 44, 106, 261
 - Soviet policy toward, 217, 221
 - U.N. Security Council, member of, 118, 128
 - U.S. policy toward, 272
 - Zafrullah Khan, Sir Muhammad, 12, 92-96, 109-110, 117, 122, 124-125, 563
 - Zaghts, Oscar, 963-964
 - Zarubin, Georgiy Nikolayevich, 430*n*, 433*n*
 - Zephirin, Jean Jacques Mauclair, 659*n*
 - Zilveti Arce, Pedro, 746*n*, 748*n*, 749*n*, 753-754
 - Zinchenko, Constantin E. 211-214, 371*n*
 - Zuleta Angel, Eduardo, 658, 814-816, 829*n*, 831-833, 998, 1001, 1006



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